



**DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**DIVISION OF  
CHILD AND FAMILY SERVICES  
PERSONNEL POLICY  
AND  
PROCEDURE MANUAL**

**SECTION 230**

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## **230.0 PERSONNEL SERVICES**

### **230.1 FUNCTIONAL RESPONSIBILITIES**

The primary functions of the Regional Personnel Services Offices are to contribute to the realization of Agency goals by:

1. Administering a Merit System consistent with the State Department of Personnel's *Rules for State Personnel Administration*;
2. Fostering a productive work environment by communicating dynamic policies and behaviors;
3. Influencing human relations to the end that management and human resources are more responsive to each other's needs and the needs of the Agency.

#### **230.1.1 ADMINISTRATIVE RESPONSIBILITY**

The Human Resources Chief is responsible for the management of a comprehensive personnel program for all employees of the Division of Child and Family Services (DCFS). It is essential the Human Resources Chief develop and maintain a close working relationship with DCFS Management and the Department of Personnel and be thoroughly familiar with all rules, regulations and laws that govern personnel practices.

#### **230.1.2 MAJOR AREAS OF RESPONSIBILITY**

1. Plans, develops, recommends, coordinates, and interprets all personnel rules, regulations and laws as they affect Division of Child and Family Services employees.
2. Advises and consults with management and legal counsel on personnel issues.
3. Acts as liaison between the Division of Child and Family Services and the State Retirement Board, the Workers' Compensation Administrator, the Department of Personnel, State Budget Division, Risk Management, the Public Employees' Benefits Program, Public Employees' Retirement System, and other employee organizations on all personnel matters.
4. Conducts classification audits of new and existing positions when necessary and recommends appropriate classification to management and/or the

Department of Personnel.

5. Assists in the employment and placement of personnel through recruitment, examination, and certification of applicants on a delegated basis by the Department of Personnel. Manages Division recruitment outreach efforts, as appropriate.
6. Recommends appropriate measures for disciplinary actions and separations. Instructs Regional Personnel Services staff to facilitate Exit Interview Surveys in accordance with the State Department of Personnel PERD #68/07.
7. Reviews and approves employee work performance standards and evaluations on request or as appropriate.
8. Insures adherence to employment policy and procedure.
9. Conducts personnel research (ethnicity reports, sick-leave studies, etc.).
10. Administers employee benefit program.
11. Administers Affirmative Action Plan.

## **230.2 EMPLOYEE BENEFITS**

The State pays the majority of the premium for comprehensive medical, dental and life insurance on each employee as outlined in the insurance manual provided to each employee by the Public Employees' Benefits Program (PEBP). Employees participate in the State Retirement System under one of two options. Employee costs for group insurance and retirement are accomplished by payroll deductions. The State contributions for both insurance and retirement are included in the Division's claim for federal matching of administrative costs.

See also Section 230.3 covering attendance, holidays and leave.

### **230.2.1 PUBLIC EMPLOYEES' BENEFITS PROGRAM (PEBP)**

Employees are urged to visit the PEBP web site at <http://www.pebp.state.nv.us> if they have questions about PEBP benefits.

#### **A. ELIGIBILITY AND APPLICATION**

All regular full or half-time employees (.51 FTE or more) of the Division are eligible to participate in one of two health, dental and vision insurance plans on the first of the month following three (3) months of full-time service

(PEBP definition of full time service is working at least eighty [80] hours a month). Employees may choose the Self-Funded Medical PPO Plan or the Health Maintenance Organization (HMO) Plan. Employees are encouraged to submit enrollment forms at the earliest possible date. All new enrollees entering the group insurance program must select their health care option within sixty (60) days of employment. Employees who do not do so will be required to go into the self-funded plan by default.

If an enrollment form is received after the payroll cutoff, arrangements must be made to pay the premium for any dependent coverage with a personal check.

#### **B. EVIDENCE OF INSURABILITY**

An employee who fails to enroll his/her dependent(s) within the specified time limits will have to wait until the next open enrollment period. An exception to this is if a qualifying event occurs (i.e., spouse loses health insurance, marriage, birth of child). The employee is required to provide supporting documents along with a Benefits Enrollment and Change form. The employee must contact the Personnel Representative for an original of this form or make changes to his/her benefit plan on line at the PEBP website (<http://www.PEBP.state.nv.us>). Further information regarding eligibility may be obtained by contacting PEBP or by going on line.

#### **C. INSURANCE BENEFITS**

All employees who enroll in a health coverage plan will be provided with policy information that gives a comprehensive description of benefits provided by the insurance company. This information is available online (as noted above).

An insurance identification card will be sent to the employee upon eligibility.

Each of the plans offers dental coverage and discounted vision care for the employee and eligible dependents.

Included in the medical care coverage for each employee is a \$20,000 life insurance policy, paid for by the Agency. If an employee wishes to add to the amount of life insurance coverage or obtain life insurance coverage for dependents, he/she may do so with the cost of the premiums being deducted from his/her paycheck. Employees may contact DCFS Personnel for additional information.

The State offers voluntary insurance benefits including Supplemental Life, Accidental Death & Dismemberment, automobile and home insurance, and Long-Term Care Insurance which are also available by payroll deduction as

an option to the employee. Additional information can be obtained in the regional DCFS Personnel Services Office.

**D. CHANGES IN INSURANCE AND CANCELLATIONS**

All changes in dependents, beneficiary, name or eligibility of employee or dependent for any of the health care options must be reported to the regional Personnel Services Office on the Enrollment and Change form or by making changes on the PEBP website. Adding dependents may require the employee to submit evidence of insurability.

All cancellations for dependent coverage must be reported on the official change form.

**E. LEAVE WITHOUT PAY: INSURANCE PREMIUM PAYMENT**

Employees who go on authorized leave without pay and wish to keep their group insurance in force must make arrangements with the Regional Personnel Services Office to pay their premiums in advance. The employee must pay the State's contribution while on leave without pay. However, if the employee is in paid status for eighty (80) hours in a month, the Agency will pay the premium.

Unless an employee is protected under the Family and Medical Leave Act, group insurance coverage will lapse for any employee (and his/her dependents) going on leave without pay who does not pay the premium in advance. If an employee allows his/her insurance coverage to lapse while on leave without pay, the employee may reinstate insurance without having to provide evidence of insurability only if the employee (and dependents) enrolls within thirty (30) days after the date placed back on the payroll. If the employee does not re-enroll within the specified grace period, the employee (and dependents) must submit evidence of insurability forms and be accepted by the insurance company before being eligible for reinstatement.

**F. RETIREMENT AND MEDICARE**

Upon retirement, an employee may continue group insurance coverage by making arrangements to pay the premiums through the State Retirement Board in Carson City.

For more information on health insurance benefits under Medicare, please contact the Social Security Office.

**G. REINSTATEMENT PRIVILEGES**

If an employee with health insurance coverage terminates employment and

returns to State service within one (1) year, insurance coverage will be reinstated during the first insurance pay period following reinstatement.

## **H. CONVERSION**

If an employee terminates employment and has insurance coverage, the employee is eligible to apply for a "Conversion Policy" with the carrier within thirty-one (31) calendar days without having to provide evidence of insurability. The conversion premium rates will be different than the employee rates. The Public Employees' Benefits Program sends COBRA (Consolidated Omnibus Budget Reconciliation Act) information directly to the employee via certified mail.

### **230.2.2 PUBLIC EMPLOYEES' RETIREMENT SYSTEM (PERS)**

Employees are urged to visit the PERS web site at <http://www.nvpers.org> if they have questions about their retirement benefits.

Employees of public employers who work half time or more are members of PERS from the first day of employment.

There are two contribution plans available to employees: the employee/employer paid contribution plan (EEs/ERs) and the employer-paid contribution plan (EPC).

Employees who chose the employee/employer contribution plan will have a retirement contribution deducted from their gross salary. The amount of this deduction is established by the legislature and may vary slightly from year to year. These deductions are maintained on account at Public Employees' Retirement System (PERS). In the event the employee terminates employment covered by PERS, the employee's contributions will be available for refund to the employee.

The advantage of the employee/employer contribution plan is that even though the take home pay is slightly less, the employee contributions are refundable without interest in the event of termination.

An employee may elect to convert to the employer-paid contribution plan at any time. Once an employee elects to convert to the employer-paid contribution plan, he/she cannot elect the employee/employer contribution plan at any time in the future.

The employer-paid contribution plan has the gross salary adjusted downward as shown in the example, but does not have a retirement contribution deducted. The employer pays the full retirement contribution based on the adjusted gross salary.

For members who intend to remain with PERS until they are eligible for retirement benefits, the cost of their retirement will be less and the amount of take-home pay slightly greater (see example). The disadvantage is the contributions paid on the employee's behalf are not refundable in the event of termination, and the gross salary is less. This may adversely affect credit applications.

The amount of any future retirement benefits will be exactly the same under either contribution plan.

**Remember**, if an employee elects to participate in the employer/paid contribution plan, his/her decision cannot be reversed at a later date.

**EXAMPLE:**

| <u>Contribution Plan Comparison</u> | <u>Employer/<br/>Employee</u> | <u>Employer-<br/>Paid</u> |
|-------------------------------------|-------------------------------|---------------------------|
| 1. Gross salary                     | \$ 1,500.00                   | \$ 1,500.00               |
| 2. Reduction for Employer-Paid      | n/a                           | 138.00                    |
| 3. Adjusted Gross Salary            | \$ 1,500.00                   | \$ 1,362.00               |
| 4. Employee Retirement Contribution | 157.50                        | n/a                       |
| 5. 15% Income Tax Withholding       | 225.00                        | 204.00                    |
| 6. Take-home Pay                    | \$ 1,117.50                   | \$ 1,158.00               |

Estimated difference in monthly take home pay: \$ 40.50

Employees who have any questions or desire further explanation should contact PERS at <http://www.nv.pers.org>.

### **230.2.3 MEDICARE PARTICIPATION**

According to P.L. 99-272 COBRA (Consolidated Omnibus Budget Reconciliation Act of 1985), all new employees hired by the State from April 1986 forward must contribute to Medicare. According to IRS regulations, the contribution rate for Medicare is 1.45% per employee with an equal amount matched by the employer. This amount will be automatically deducted from affected employees' paychecks.



#### **230.2.4 FICA (SOCIAL SECURITY) PARTICIPATION**

The Omnibus Budget Reconciliation Act of 1990 subjects service performed by State employees after July 1, 1991, to full FICA taxes under certain circumstances, as follows:

- Any employee not contributing to the Public Employees' Retirement System for any reason; OR
- Any employee whose regular work schedule is twenty (20) hours per week or less.

The employee FICA tax is comprised of a 6.2% Social Security tax on gross wages up to \$53,400 and a 1.45% Medicare tax on gross wages up to \$125,000 with equal amounts matched by the employer. These amounts will automatically be deducted from affected employees' paychecks.

#### **230.2.5 WORKERS' COMPENSATION INJURIES/OCCUPATIONAL DISEASES**

Employees are urged to visit the State of Nevada Risk Management web site at <http://www.risk.state.nv.us> and click on "WORKERS COMP" if they have questions about Workers' Compensation Injuries/Occupational diseases. All forms and centers/providers referenced in this section can also be obtained from this web site.

##### **A. EMERGENCIES/URGENT CARE CENTER**

1. In a life threatening or emergency situation, 911 should be called. For less severe injuries, first aid should be provided, and the injured employee should be referred to or transported to the nearest occupational medical center for treatment. All supervisory personnel should know where the nearest occupational providers are located. Initial treatment performed at one of the approved occupational health clinics will be paid for on a rule out basis.

**NOTE:** Designated Occupational Health Centers should be utilized, if possible, to ensure that proper reporting and continuity in treatment and care is obtained.

2. If the injury occurs off-site, if possible, the employee must call in to report the incident, the need for emergency treatment, and his/her destination.
3. If the injury is traumatic and will result in hospitalization or temporary total disability, the Supervisor or designated Agency representative must call Nevada Administrators at (775) 841-1550 to

report the injury and fax the C-1 form ("Employer's Report of Injury) to (775) 841-1551 to initiate medical management of the claim. In addition, Risk Management must be notified at (775) 687-3187. It is imperative that all parties be advised to ensure that immediate and appropriate care is provided.

4. The Supervisor or designated Agency representative follows up with the employee and/or physician to ensure that the C-4 form ("Employee's Claim for Compensation/Report of Initial Treatment) was completed.
5. The Supervisor proceeds with the additional procedures listed under Section B, "Injuries Not Requiring Immediate Medical Attention," starting with #2.

#### **B. INJURIES NOT REQUIRING IMMEDIATE MEDICAL ATTENTION**

1. The employee reports injury to his/her Supervisor or designated representative and completes a C-1 Form, "Notice of Injury." The employee forwards the C-1 form to the Regional Personnel Services Office as soon as possible after the incident/accident, but not more than seven (7) days (Nevada Revised Statutes 616 C.015) after the injury. This form is retained in the employee's medical file and forwarded to Nevada Administrators if medical attention is sought.
2. The Supervisor initiates an accident investigation (immediately, if possible, and not later than forty-eight [48] hours after the incident) and completes the appropriate form.
3. The Supervisor/designated representative provides the employee with a Workers' Compensation packet with the following forms and reviews each form with the employee.

**The employee's signature must be obtained on the forms that are identified in BOLD letters and a copy provided to the employee:**

- a. Medical Provider List;
- b. Letter to Physician/Chiropractor;
- c. Physical Assessment Form;
- d. **Employee's Responsibility Form;**
- e. **Workers' Comp Leave Option Form;**
- f. Referral Slip; and
- g. Job Description (if nature of injury indicates possibility of work restrictions).

4. The Supervisor/designated representative offers to call the Occupational Health Center to set up appointment, if feasible. The Supervisor **reminds the employee to return the physical assessment form** to the Regional Personnel Services Office upon the completion of the each appointment within twenty-four (24) hours if possible, but not later than three (3) days after each appointment.

**NOTE: As per Nevada Revised statutes § 616C.040 (4), the employer can require an employee to submit to an examination by a physician specified by the employer. Employees can change treating physicians once during the first ninety (90) days of a claim without prior approval. Therefore, if they seek initial care at an Occupational Health Center, but do not want to continue care there, they can change to another physician within this time frame.**

5. The Supervisor/designated representative completes the C-3 form ("Employer's Report of Industrial Injury or Occupational Disease") within twenty-four (24) hours if possible, but no later than six (6) days from receipt of copy of C-4 form ("Employee's Claim for Compensation/Report of Initial Treatment"), attaches a copy of the employee's signed "Leave Choice Option" form and sends to the Regional Personnel Services Office. Personnel representatives fax the C-3 form ("Employer's Report of Industrial Injury or Occupational Disease") **AND** the "Leave Choice Option" form to Nevada Administrators at (775) 841-1551.

The treating physician or chiropractor must complete a Form C-4, "Employee's Claim for Compensation/Report of Initial Treatment," and mail it to the Regional Division Personnel Services Office and to the Workers' Compensation carrier within three (3) working days after the initial treatment. This form is available at the health care provider's office where the employee is initially treated for the injury.

**If an employee does not return to the next scheduled shift, the supervisor/designated representative must call the regional personnel services office and advise personnel staff of the lost time.**

## **C. EARLY RETURN TO WORK**

The State of Nevada has established an Early Return to Work Program to enhance recovery, comply with the Americans with Disabilities Act, help minimize workers' compensation costs and to provide a service to employees who are injured or contract an occupational disease in the course and scope of their employment with the State. Employees will be placed in temporary

modified duty positions, when feasible, during the course of recovery from an injury or occupational disease that precludes them from performing their normal job tasks. In the event of a permanent disability that prevents an employee from performing the essential functions of his/her regular position and for which reasonable accommodations cannot be made, every effort will be made to place the employee in an alternative vacant position that he/she is qualified to perform and that matches their physical limitations

Workers' Compensation Program Packets are located with each Site Manager and at the Regional Personnel Services Office. Site Managers must communicate to their staff that they have been designated as the representative for coordination of Workers' Compensation injuries.

If employees have any questions regarding work related injuries, they should call the Regional Personnel Services Office or visit <http://www.risk.state.nv.us> and click on "WORKERS COMP."

#### **D. CLAIM FOR COMPENSATION**

If an employee seeks medical treatment because of a work- related accident, the "Employer's Report of Industrial Injury or Occupational Disease," Form C-3, must be completed within twenty-four (24) hours after an accident. The employee should use the DCFS Central Personnel Services Office in Carson City as the office mailing address on this form.

#### **E. LOST TIME COMPENSATION**

If the physician has certified the employee unable to work for a period of at least five (5) consecutive days or five (5) or more cumulative days within a twenty (20) day period, the employee may be entitled to temporary disability compensation. This compensation is limited to 66-2/3 percent of an injured employees' average monthly wage. The employee must notify his/her Supervisor and the Regional Personnel Services Office upon receiving notice from the physician certifying lost time.

If, as a result of the injury, an employee meets the criteria for leave pursuant to FMLA, the appropriate documents shall be completed. The appropriate code should be entered on the timesheet. (See Supervisor's Responsibility 230.3.8.)

#### **F. WORKERS' COMPENSATION TRAVEL LEAVE**

NRS 616C.477 allows an employee who has returned to work from an absence due to a work-related injury or occupational disease and who must be absent from work to travel more than fifty (50) miles to a subsequent medical appointment to receive his/her regular hourly rate for his/her

scheduled work hours when traveling to workers' compensation doctor's appointments.

Agencies should instruct employees who qualify for this type of leave to code the leave event on the employee's timesheet as follows:

UWCTL – Used Workers' Compensation Travel Leave

UFMWT – Used Family Medical Workers' Compensation Travel Leave

#### **G. PAYMENT PROCEDURE/SICK LEAVE USAGE**

All temporary total disability compensation checks for DCFS employees must be sent to the Regional Personnel Services Office for auditing, unless the employee is on Leave Without Pay (LWOP) status. When an employee is eligible for temporary total disability under Nevada Revised Statute (NRS) 281.390, Chapter 616 or 617 and for any sick leave benefit, he/she may, by giving notice to the Regional Personnel Services Office, elect to continue to receive his/her normal salary instead of the benefits under Chapter 616 or 617 of NRS until accrued sick leave time is exhausted. The employee will continue to receive his/her normal salary and this will be charged against the accrued sick leave taken for that pay period as the amount of sick leave which represents the difference between the normal salary and the amount of any benefit for temporary total disability received, exclusive of reimbursement or payment of medical or hospital expenses under Chapter 616 or 617 or NRS for that pay period.

When the employee's accrued sick leave time is exhausted, payment of his/her normal salary must be discontinued and the Regional Personnel Services Office will notify Nevada Administrators (NVA) so that they may begin paying the benefits directly to the employee.

An employee may use accrued annual or compensatory leave to receive payment for the difference between his/her normal pay and benefits received, if the employee has:

1. Elected to use accrued sick leave time pursuant to NRS 281.390;

AND

2. Exhausted accrued sick leave.

An employee may decline to use any or part of his/her accrued sick leave while receiving benefits under Chapter 616 or 617 or NRS. This is a statutory provision and does not require approval by a Supervisor or the Administrator. During this period of time, the employee will be considered on leave of absence without pay and will receive the entire compensation

check issued by Nevada Administrators.

Unless an employee is on family and medical leave because of a serious health condition that prevents him/her from performing the essential functions of his/her position and does not have enough sick leave to make up the difference between the normal salary and benefits for a temporary total disability, he/she must be placed on leave of absence without pay for the time he/she is receiving benefits and the balance of time not covered by sick leave or other paid leave. The employee ceases to be on leave of absence without pay when all sick leave is exhausted and other leave has not been approved.

Further information regarding industrial injuries can be obtained from the Regional Personnel Services Office.

#### **230.2.55 LIGHT/MODIFIED DUTY**

The State of Nevada is required to provide modified duty to an injured employee on an accepted, open worker's compensation claim. When an employee is injured off-the-job, it is not the responsibility of the Division to provide modified and/or light duty.

Sections 230.3.6 and 230.3.8 explain an employee's rights regarding the use of sick leave and Family and Medical Leave. These benefits may be utilized in the event an employee or immediate family member is injured or ill.

#### **230.2.6 DEFERRED COMPENSATION**

Employees may choose to have a portion of their wages deferred for payment at a later date. These wages are assigned to an investment plan that the employee chooses. Interested employees are urged to visit the PEBP web site at <http://www.pebp.state.nv.us> to obtain more information about deferred compensation. They may also obtain an informational packet from the Regional Personnel Services Office.

#### **230.2.7 DIRECT DEPOSIT OF PAYCHECKS**

Ordinarily a designated office representative will distribute an employee's paycheck, but if the employee prefers, the entire net amount can be deposited directly into his/her bank account (as long as his/her banking institution participates in this plan). The employee should contact the Regional Personnel Services Office for the appropriate forms.

### **230.2.8 SAVINGS BONDS**

Employees may purchase savings bonds through payroll deduction. Enrollment forms may be obtained through the Regional Personnel Services Office.

### **230.2.9 EMPLOYEE ASSISTANCE PROGRAM**

The State of Nevada Employee Assistance Program (EAP) is available to assist State employees with any personal problems or workplace concerns. All active State employees, and family members living with them, are eligible to use this employee benefit. There is no charge for the services of the EAP Coordinators, and employees may use administrative leave for up to two (2) visits. All services are confidential.

Employees should contact the EAP Coordinators for an appointment. Counseling is available on a voluntary basis or through official referral by a Supervisor.

For more information, employees may visit the State of Nevada Department of Personnel web site (<http://dop.nv.gov>) or contact the EAP Coordinator in Northern Nevada at (775) 687-3869 or (800) 398-3271 (rural areas), or the EAP Coordinator in Southern Nevada at (702) 486-2929 or (800) 278-1889 (rural areas).

### **230.2.10 LONGEVITY PAY**

After eight (8) years of continuous service, an employee will begin receiving longevity pay twice a year. Longevity pay begins at \$75 semi-annually, and the semi-annual payment increases by \$25 for each additional year of service up to fourteen (14) years. From fifteen (15) to twenty-four (24) years, the pay increases by \$50, and at twenty-five (25) years and over it increases \$75 to a maximum of \$1175.

The employee's performance rating must be "STANDARD" or above to receive a longevity payment. Checks are issued on a non-payday Friday each July and December. Dates of issuance are determined by the Department of Personnel and are provided to Agencies each June and November.

### **230.3 ATTENDANCE, HOLIDAYS AND LEAVES**

Comprehensive rules regarding attendance and leaves are listed in the State Department of Personnel's *Rules for State Personnel Administration* and Chapter 284, "State Personnel System," of the Nevada Administrative Code (NAC). In addition, the following Agency regulations will apply to all Division employees.

### **230.3.1 HOURS OF WORK**

The normal week for employees of the Division of Child and Family Services shall be forty (40) hours beginning on Monday and ending on Sunday, excluding those employees who are on intermittent or part-time schedules. Provisions for an alternative work schedule other than 8:00 a.m. to 5:00 p.m. may be established with the approval of the Administrator or appropriate Deputy Administrator. Specific Division policy related to alternative work schedules is found in this Section.

**NOTE: DAYLIGHT SAVINGS TIME does not impact the shifts scheduled for Teaching Parent and Teaching Parent Relief classes.**

#### **A. REST PERIODS**

A rest period of fifteen (15) minutes must be granted for each four (4) hour period of work and, insofar as practical, must occur in the middle of the period of work. Rest periods will be no longer than fifteen (15) minutes and **must not be reduced to smaller more frequent time increments.**

Offices with more than one (1) employee must always have at least one (1) person present to answer the telephone. Rest breaks must be taken in close proximity to the employee's work area. Rest periods may not be added to lunch periods or accumulated and taken at the end of the workday, or added to annual leave, sick leave or compensatory time taken.

The requirement for a rest period does not apply to an employee of a correctional institution who works directly with the inmates at the institution, or an employee who works a straight 8-hour shift.

#### **B. LUNCH PERIODS**

Employees who work a standard or non-standard work schedule (8 hour days) shall be given a minimum thirty (30) minute lunch period after a maximum of five (5) hours has been worked. Employees who work an innovative schedule (greater than 8-hour days) shall be given a minimum one-hour lunch break after a maximum of five (5) hours has been worked. Innovative schedules must not be approved unless the employee receives a one-hour lunch period.

Pursuant to NAC 284.524 (3 and 4), the requirement to relieve an employee for a ½ - hour to a 1- hour meal period does not apply to an employee who receives a paid meal period.

#### **C. STANDARD WORK WEEK (NAC 284.100)**

The standard workweek means a work schedule of five (5) shifts with the



same number of hours each day and a maximum of forty (40) hours per week throughout the year. The work schedule is Monday through Friday.

**Example:** (one-hour meal period)

|           |   |           |                 |
|-----------|---|-----------|-----------------|
| 8:00 a.m. | - | 5:00 p.m. | Monday - Friday |
| 7:30 a.m. | - | 4:30 p.m. | Monday - Friday |

**D. NON-STANDARD WORK WEEK (NAC 284.072)**

The non-standard workweek means a work schedule of five (5) shifts with the same number of hours each day and a maximum of forty (40) hours per week throughout the year. The work schedule is other than Monday through Friday.

**Example:** (one-half hour meal period)

|            |   |            |                      |
|------------|---|------------|----------------------|
| 3:00 p.m.  | - | 11:30 p.m. | Saturday - Wednesday |
| 11:00 p.m. | - | 7:30 a.m.  | Sunday – Thursday    |

When working at a twenty-four (24) hour facility, employees may be required to work a non-standard work schedule based on the operational needs of the facility. The assignment of shifts is ultimately a management decision.

**E. INNOVATIVE WORK WEEK (NAC 284.067)**

The innovative workweek means a work schedule that differs from standard or non-standard workweek.

**Example:** (one-hour meal period)

|           |   |           |                             |
|-----------|---|-----------|-----------------------------|
| 6:00 a.m. | - | 5:00 p.m. | Monday - Thursday (4-10s)   |
| -- OR --  |   |           |                             |
| 7:00 a.m. | - | 4:00 p.m. | Monday and Tuesday; plus    |
| 6:00 a.m. | - | 3:00 p.m. | Wednesday and Thursday, and |
| 9:00 a.m. | - | 6:00 p.m. | Friday                      |

**Services and programs must be responsive to the needs of our clients and the public. Staff working innovative work weeks will revert to a standard work week during weeks with a paid holiday(s).**

**F. VARIABLE WORK SCHEDULE**

A variable work schedule may be a permanent work schedule as with an innovative workweek. The schedule is also commonly used in conjunction

with a standard or non-standard schedule to allow for flexibility in hours when unforeseen circumstances arise. The variable workday is available to an employee through a voluntary written agreement between the employee and the employer. A variable schedule, sometimes referred to as a “flex” schedule, may be used as provided by NRS 284.180

All employees who choose and are approved for the variable workday may use this schedule with prior approval of the Supervisor.

Supervisors must have a signed agreement with the employee prior to scheduling and allowing the variable hours. The variable schedule must be worked within a 40-hour period beginning Monday and ending the following Sunday.

Classes and positions eligible for a variable workweek schedule will be subject to approval by the Division Administrator.

### **230.3.2 ALTERNATIVE WORK SCHEDULES**

Managers may consider implementing alternative work schedules consistent with the Department of Health and Human Services Flexible Work Arrangement Policy. A Manager for an office or unit may propose alternative work schedules, or an individual employee may request an alternative work schedule.

Under no circumstances will a work week in excess of forty (40) hours be approved. For example, employees **cannot** work forty-four (44) hours in the first week of a pay period and thirty-six (36) in the second.

#### **A. HOURS**

Division offices shall be open from 8:00 a.m. to 5:00 p.m., Monday through Friday, in compliance with NRS 281.110. Offices may adopt longer hours of operation if they choose.

#### **B. TIME/SCHEDULING LIMITS**

Employees shall not be scheduled to start work prior to 6:00 a.m. or to quit later than 7:00 p.m. unless they are employed in a twenty-four (24) hour facility.

#### **C. CLASSES OF POSITIONS ALLOWED**

The Division Administrator may identify certain positions that are not eligible for an alternative work schedule. This decision shall be made on a case-by-case basis.

**D. SUPERVISION**

All requests for alternative work schedules must clearly document adequate supervisory coverage for employees working schedules other than 8:00 a.m. to 5:00 p.m.

**E. SYSTEMS/ADMINISTRATIVE SUPPORT**

All requests for alternative work schedules must clearly document adequate systems and administrative support for employees working schedules other than 8:00 a.m. to 5:00 p.m.

**F. SECURITY**

Available security resources must be considered when reviewing alternative work schedules for approval.

**G. LEAVE USAGE**

Employees approved for innovative work schedules (work day exceeds eight [8] hours) must use and record the total number of exception hours on their timesheets based on the amount of time absent. For example, if an employee is approved for and works a "4/10," and calls in sick on a regular workday, ten (10) hours of sick leave must be recorded to cover the absence.

**H. EMPLOYEE AGREEMENT FORM/VARIABLE WORKDAY AGREEMENT**

Employees who request and are approved for an innovative work schedule must sign the Alternative Work Schedule Request and Alternative Work Schedule - Employee Agreement. This agreement must specify the schedule to be worked, the conditions under which a standard work week (Monday through Friday, 8:00 a.m. - 5:00 p.m.) shall be worked, acknowledgment that the schedule may be revoked when it no longer serves the interests of the Division and acknowledgment of leave reporting requirements.

Employees on alternative work schedule must agree to work a standard work schedule of 8:00 a.m. to 5:00 p.m. any week during which there is a recognized holiday, any week when necessary to participate in mandated training, and any week when it is deemed necessary to meet the needs of the Agency.

Alternative work schedule recipients working in excess of eight (8) hours per day must take at least an hour unpaid lunch break.

All employees who request and are approved for an innovative workweek

schedule must sign a State Personnel Request for Variable Workday Schedule.

NRS 284.180, subsection 6 states: "For employees who choose and are approved for a variable workday, overtime will be considered only after working 40 hours in one week." Except in emergencies, Supervisors will not approve overtime for an employee during a work week when he/she has used annual or sick leave.

#### **I. APPROVAL PROCESS**

Office Managers may propose implementation of alternative work schedules in the office/unit. These proposals must comply with this Section of the *Personnel Policy and Procedure Manual* and must be approved by the Division Administrator.

Individual employees may submit an Alternative Work Schedule Request. The Division Administrator may designate approval authority to Deputies for purposes of individual employee requests.

#### **J. COMMUNICATION**

This alternative work schedule policy must be clearly communicated to all employees.

#### **K. EVALUATION OF ALTERNATIVE WORK SCHEDULES**

Supervisors, Managers, Deputies and staff are responsible for reviewing work schedules semi-annually and submitting them to the Regional Personnel Services Office no later than July 15 for the period January 1 through June 30, and January 15 for the period July 1 through December 31.

### **230.3.3 HOLIDAYS**

The following days are declared to be legal holidays for State offices:

|                           |   |                               |
|---------------------------|---|-------------------------------|
| January 1                 | - | New Year's Day                |
| Third Monday in January   | - | Martin Luther King's Birthday |
| Third Monday in February  | - | Washington's Birthday         |
| Last Monday in May        | - | Memorial Day                  |
| July 4                    | - | Independence Day              |
| First Monday in September | - | Labor Day                     |

|                             |   |                  |
|-----------------------------|---|------------------|
| Last Friday in October      | - | Nevada Day       |
| November 11                 | - | Veteran's Day    |
| Fourth Thursday in November | - | Thanksgiving Day |
| Friday after Thanksgiving   | - | Family Day       |
| December 25                 | - | Christmas Day    |

Additionally, any day that may be appointed by the President of the United States for public fast, thanksgiving or as a legal holiday except for any Presidential appointment of the fourth Monday in October as Veterans' Day, will be considered a legal holiday for State offices.

If January 1, July 4, November 11, or December 25 fall on a:

- Sunday, the Monday following shall be observed as a legal holiday.
- Saturday, the Friday preceding shall be observed as a legal holiday.

The legal, observed holiday is considered the paid holiday for the purpose of holiday premium pay.

**During holiday weeks, alternative, innovative and non-standard schedules shall revert to a standard work week to accommodate the 8-hour holiday.**

### **230.3.35 SHIFT BIDS FOR 24-HOUR FACILITIES**

When a 24-hour, seven-day-a-week program environment/facility **elects** to utilize a shift-bid process, the following should be utilized as a guideline.

- A. "Seniority" means continuous time served in a work capacity within the 24-hour, seven-day a week DCFS facility where the employee works.
- B. Seniority may be utilized whenever possible within the DCFS facility to establish priority between otherwise equal non-Supervisory Staff when deciding or determining:
  1. Shift assignments;
  2. Regular days off;
  3. Special assignments.
- C. Seniority is only one (1) factor utilized to decide priority between or among Supervisory Staff for the areas listed in B 1.

- D. Failure of any employee to maintain an overall “standard or above” rating on the Employee Appraisal and Development Report (NPD-15) will result in suspension of the employee’s seniority privileges. Likewise, an employee on a “performance developmental plan” due to deficiencies in performance and/or behavior will also have seniority privileges suspended for the duration of the “performance developmental plan.”
- E. In the event seniority privileges are suspended, the suspension will remain in effect until such time the staff member’s overall performance is rated “standard or above.”
- F. An employee’s length of or prior employment shall not be credited toward a member’s seniority status that transfers into the facility’s program from any other State of Nevada Department, Division or local entity. This will not impact the employee’s State of Nevada service seniority date.

#### **230.3.4 LEAVE APPLICATIONS AND REQUESTS**

All leave, both paid and unpaid, shall be requested, approved, and processed as specified below. All absences from an employee's normal work schedule must be accounted for and reported. An employee certifies that he/she has already earned the designated leave requested when submitting a leave form and/or request for leave in writing, via email, or verbally.

A Request for Leave/Overtime must be completed for all leave requested or deviation from the normal work schedule. If an employee requests leave by telephone, the leave must be designated on the employee’s timesheet and signed by the supervisor.

Instructions for completion of this form are listed on the reverse of the form itself.

##### **The Supervisor is responsible for**

- 1. Ensuring all requests for leave without pay, family sick leave in excess of one hundred twenty (120) hours of leave, or overtime receive approval by the Administrator or Deputy Administrator as designated.
- 2. Ensuring all forms are signed by all necessary supervisory levels.
- 3. Ensuring all required leave slips are completed and reconciled to leave reported on the timesheet prior to signing the employee's timesheet.

**The Employee is responsible for**

1. Providing complete information on the use of leave/overtime form for submission to the Supervisor. Leave balances can be obtained from the most recent pay stub.
2. Obtaining **prior** approval before working overtime when possible.
3. Completion and submission of the form to his/her Supervisor within twenty-four (24) hours of his/her return to work if leave or overtime has been requested by telephone.

The following procedure must be adhered to when an employee is unable to report for work:

**A. EMPLOYEE RESPONSIBILITY**

1. Any employee absent from duty (scheduled shift) shall personally contact his/her immediate Supervisor and report the reason for the absence. In the event an employee's immediate Supervisor is not available, it is the employee's responsibility to notify the next higher-level Supervisor or the officially designated representative to receive such information.
2. If the employee is physically unable to report the absence, the employee shall have someone else notify the immediate Supervisor of the absence, within the specified time, and state the reason why the employee is unable to personally make the report.
3. The employee shall make every attempt to notify his/her immediate Supervisor of his/her absence at least one (1) hour prior to the start of the shift but in no case is the Supervisor to be notified any later than fifteen (15) minutes after the start of the employee's work schedule.
4. For those employees assigned to programs operating on a schedule other than 8 a.m. – 5 p.m., Monday through Friday, the employee shall notify the Supervisor (in the assigned work area) on the day prior to his/her scheduled work hours whenever possible but in no case later than one (1) hour prior to the start of his/her shift.
5. Notification of the absence by the employee or another person does not constitute automatic approval of the absence. If the employee was unable to submit a request prior to an absence, he/she must complete and submit a leave request form for all absences within the first working day after returning from the absence.

6. If the employee does not have sufficient leave balances to cover requested time off and is in jeopardy of leave without pay, it is his/her responsibility to notify his/her Supervisor immediately so leave without pay can be requested.

If the employee fails to do this, the Supervisor may choose not to request leave without pay and place the employee on Absent Without Leave (AWOL) status. Repeated instances of AWOL will result in disciplinary action being taken against the employee.

## **B. SUPERVISORY RESPONSIBILITY**

1. Each Supervisor is responsible for ensuring his/her subordinates comply with all regulations governing absences from work. The Supervisor is expected to be especially alert for signs of absence abuse. Supervisors are responsible for smooth workflow and should authorize annual leave accordingly. Annual leave must be requested in advance unless an emergency situation exists or occurs.
2. Supervisors are responsible for ensuring the regional Division Personnel Services/Payroll Office is notified IMMEDIATELY by telephone or in person if an employee is on leave without pay. Failure to report this information can result in overpayment.
3. If the Supervisor is unsure that an employee actually has adequate leave balances to cover requested time off, he/she may review leave balances in the HR-Data Warehouse, or he/she may contact the Regional Personnel Services Staff.
4. Supervisors are responsible for designating a back up to handle their responsibilities during any absence and to so inform their staff and their immediate Supervisor or designated representative.

## **C. TIMESHEETS**

**NOTE: All references to the NEATS system will go into effect when the system officially becomes the method for timesheet submission in the Division.**

Bi-weekly timesheets must be completed showing all exceptions to time worked on regular shift through the NEATS system. Time of day noted must correspond to hours of leave taken or overtime worked.

All leave types are to be shown on the timesheet and forwarded to the Supervisor through the NEATS system including: annual leave; sick leave; compensatory time off; leave of absence with pay; leave without pay;



military leave; absences without leave; family medical leave absences and catastrophic leave, administrative leave, and civil leave.

Except in emergencies, Supervisors will not approve overtime for an employee during a work week when he/she has used annual or sick leave.

In an effort to more accurately and timely process payroll, the Department of Personnel has delineated the following responsibilities of employees, Supervisors, and the Personnel Units in all Agencies.

1. The **Employee** is responsible for:
  - a. Preparing the timesheet in a timely manner to meet required deadlines and submitting it through the NEATS system.
  - b. Obtaining Supervisor's approval in advance for leave to be taken or for overtime worked. In the event no entries are made during either report week, the employee shall signify "no exceptions." (An exception to this is hourly employees who report regular time.)
  - c. Reviewing his/her timesheet to assure it has been completed properly.
  - d. Submitting the timesheet for approval after electronically signing. The employee's electronic signature certifies the employee has sufficient leave balances to cover the leave taken; the employee has worked the overtime as listed; and other items are accurately stated.
  - e. Forwarding the timesheet to the Supervisor through the NEATS system for review and signature designating approval.
  - f. After being paid, comparing a copy of timesheet with the check or direct deposit slip and reporting any discrepancies to the regional Division Payroll/Personnel Services Office, in writing, for corrective action.
  - g. A copy of the timesheet should be retained by the employee for future reference.
2. The **Supervisor** is responsible for:
  - a. Authorizing all entries made on the timesheet through the NEATS system. Supervisors should indicate approval by

electronically initialing the explanation area on all exceptions on the timesheet.

- b. Reviewing timesheets for completeness. This includes the following:
    - 1) Entries are made correctly;
    - 2) All time is accounted for; and
    - 3) In the event the employee cannot submit his/her timesheet, the Supervisor shall submit a timesheet for the employee and explain why in the remarks area.
  - c. Preparing and submitting an employee's timesheet through the NEATS system when the employee is on extended leave status (sick, LWOP, FMLA, etc.) if the timesheet could not be prepared in advance.
  - d. Notifying the Regional Personnel Services Office **immediately** of any leave without pay.
  - e. Electronically approving (signing) accurate timesheets or rejecting timesheets that are inaccurate.
  - f. Reporting to the Regional Personnel Services Office, in writing, any error that has occurred on an employee's paycheck.
3. The Personnel /Payroll Office is responsible for:
- a. Reviewing pending/missing timesheets in the NEATS system and notifying Office Managers or designee of pending status.
  - b. **Timesheets submitted and approved after the deadline will be processed in the following payroll period. Employees will receive paychecks; however, leave balances will not be adjusted until the approved timesheet is processed.**
  - c. **The Personnel/Payroll Office may not correct or modify timesheets in the NEATS system. Incorrect timesheets will be returned to the manager/supervisor for correction.**

### **230.3.5 ANNUAL LEAVE**

A full-time employee shall earn 1¼ working days of annual leave for each month of continuous service for the first ten (10) years of State service. Part-time employees earn a prorated amount based on the number of hours worked. Employees cannot use any accrued annual leave for the first six (6) months of employment. The amount of monthly annual leave accrual increases after 10 (1½ days) and 15 (1¾ days) years of State service.

Annual leave requests shall be approved at the discretion of the Appointing Authority and will not be granted in excess of leave accrued. An application for annual leave must be submitted to the employee's Supervisor (verbally or in writing, depending upon the preference of the supervisor) for approval prior to the date of the leave. Supervisors should base approval of annual leave requests on the needs of the Agency (workload considerations), seniority, and the wishes of the employee. A written request for annual leave that is submitted by an employee within a reasonable time before the date upon which the annual leave is requested to commence must be approved or denied by the appointing authority, in writing, before the date upon which the annual leave is requested to commence or within fifteen (15) days after the appointing authority received the request, whichever is sooner.

The Appointing Authority may deny a request for annual leave for good and sufficient reason. The Appointing Authority may not prohibit an employee from using at least five (5) consecutive days of annual leave in any calendar year.

It is recommended that employees be given annual leave each year to provide each employee with a substantial period of rest and relaxation and to prevent the forfeiture of earned leave credits in excess of two hundred forty (240) hours at the end of each calendar year.

When an employee separates from the Agency, the day after last day worked is the termination date. He/she shall be paid a lump-sum payment for any accumulated annual leave approximately two (2) weeks after the final paycheck is issued. The employee must have worked in classified service six (6) continuous months before he/she is eligible for annual leave payment on separation.

When an employee transfers to another classified position within Nevada State Government, his/her annual leave shall be transferred to that State Agency.

### **230.3.6 SICK LEAVE**

Extensive regulations for sick leave accumulation and use are provided in the State Department of Personnel's *Rules for State Personnel Administration* and Chapter 284, "State Personnel System," of the Nevada Administrative Code (NAC). In addition, the following policies will apply:

- A. Employees earn 1¼ working days of sick leave for each month of service.
- B. Sick leave may be used only to the extent it has been earned, except as provided by leave approval pursuant to the Family Medical Leave Act.
- C. Leave for childbirth and adoption is granted pursuant to the Family and Medical Leave Act.
- D. All approved sick leave used by the employee for personal illness, family illness or family death is deducted from the employee's accrued sick leave balance. Employees are allowed to use a maximum of one hundred twenty (120) hours of their sick leave balance in any one (1) calendar year for family sick leave. An employee is not subject to this one hundred twenty (120) hour limitation if the leave is approved under the Family and Medical Leave Act.

The Division Administrator must approve all requests for family sick leave in excess of one hundred twenty (120) hours. The Administrator or appropriate Deputy Administrator as specified in NAC 284.558, 2, may approve an exception to the one hundred twenty (120) hour limitation or the requirement that the immediate family member be living in the employee's household. To obtain an exception, the employee must submit his/her request in writing to the Appointing Authority, accompanied by a certification for a provider of health care that substantiates the need for the employee's participation.

Employees may use family sick leave for the following family members:

Employee's parents, spouse, natural, adopted or foster children, brothers, sisters, grandparents, great grandparents, uncles, aunts, nephews, nieces, grandchildren, great-grandchildren and stepparents.

If they are living in the employee's household, the eligible family members also include:

Employee's father-in-law, mother-in-law, son-in-law, daughter-in-law, grandfather-in-law, grandmother-in-law, great-grandfather-in-law, great-grandmother-in-law, uncle-in-law, aunt-in-law, brother-in-law, sister-in-law, grandson-in-law, grand-daughter-in-law, nephew-in-law, niece-in-law, great-grandson-in-law, great-granddaughter-in-law and step-children.

Employees are allowed to use up to five (5) days of sick leave when a member of the family dies (up to five [5] days per death). Exceptions to the five (5) day limit may be approved by the Administrator when extenuating circumstances exist, i.e., need for long-range travel to attend the funeral. An employee may also request approval for catastrophic leave pursuant to NAC

284.576, **not** to exceed five (5) working days for each death. See Section 230.3.7, "Catastrophic Leave."

Employees may use family death leave for any family member listed above regardless of the household restriction.

- E. In the event the employee's accumulated sick-leave balance is exhausted, the employee's accumulated comp time may be used first, and then accumulated annual leave may be used. Comp time and annual leave usage requires the approval of the employee's Supervisor.
- F. An employee separated from service earns sick leave only through the last working day for which he/she is entitled to pay. If this date is earlier than the last day of the month, the sick leave will be prorated.
- G. When an employee transfers to another classified position in a Nevada State Agency, his/her sick leave shall be transferred to that Agency.
- H. Payment for sick leave upon separation from State service is as follows:

The employee or beneficiary, in the event of death, is entitled to payment of any unused sick leave in excess of thirty (30) days, exclusive of any unused sick leave accrued but not carried forward, according to total years of public service as follows:

- 1. For ten (10) years of service or more but less than fifteen (15) years, not more than \$2,500.
- 2. For fifteen (15) years of service but not more than twenty (20) years, not more than \$4,000.
- 3. For twenty (20) years of service but not more than twenty-five (25) years, not more than \$6,000.
- 4. For twenty-five (25) years of service or more, not more than \$8,000.

In addition, payment may be received for a portion of the balance in an employee's special sick leave account.

### **230.3.7 CATASTROPHIC LEAVE**

- A. The Department of Health and Human Services has established an account for catastrophic leave. Contingent upon review by the Department of Health and Human Services COPE committee and approval by the Division Administrator, this account may be utilized by an employee when he/she, or

a member of his/her immediate family (as defined by NAC 284.575 and NAC 284.576), experiences a catastrophe, and the employee has exhausted all available leave balances.

- B. For purposes of this Section, catastrophe means a serious illness or injury that is life threatening, a condition which is diagnosed by a physician as creating a substantial risk of death, or which requires a lengthy convalescence which an attending physician expects to exceed ten (10) consecutive weeks.
- C. For purposes of this Section, appointing authority shall mean the Division Administrator or his/her designee.

**D. EMPLOYEE REQUEST PROCESS**

**NOTE: All forms referenced in this Section are available from Regional Personnel Analysts and/or Technicians.**

1. To request catastrophic leave, an employee must complete a "Request To Receive Catastrophic Leave Donations" form. Catastrophic leave may be requested only for the following conditions:

The employee is unable to perform the duties of his/her position because of a serious illness or accident which is life threatening or which will require a lengthy convalescence. "Lengthy convalescence" is defined as a period of disability, which an attending physician expects to exceed ten (10) consecutive weeks. "Life threatening" is defined as a condition, which is diagnosed by a physician as creating a substantial risk of death.

2. An immediate family member, as defined in NAC 284.562, is suffering from a serious illness or accident which is life threatening or which will require a lengthy convalescence, and the employee's attendance is required.
3. If there is a death in the employee's immediate family, as defined in NAC 284.562. The use of accrued sick leave or catastrophic leave is limited to five (5) working days for each death unless the Division Administrator approves additional time required for traveling related to the funeral arrangements.

The first two (2) conditions require an employee to submit a completed "Physician's Certification for Catastrophic Leave Request" form. The Division through its Central Personnel Office will also request recertification at appropriate intervals during the course of the leave.

4. An employee must exhaust all accrued annual leave, sick leave, and compensatory time before he/she can use catastrophic leave. Sick and annual leave does not accrue while an employee is on catastrophic leave (NAC 284.5385 (1) & 284.544 (1)). The maximum number of hours of catastrophic leave that can be received by an employee is 1,040 during a calendar year. An employee may request catastrophic leave regardless of the employee's length of service or whether or not he/she is a permanent employee.

#### **E. REVIEW AND APPROVAL PROCESS**

1. The employee must submit the "Request To Receive Catastrophic Leave Donations" form to his/her authorized supervisor for review and signature.—The authorized supervisor notes any comments regarding his/her recommendation for approval or denial of the request in Section III of the request, signs the request, and forwards it to his/her Regional Personnel Analyst for review. The Regional Personnel Analyst reviews the request and forwards it to the Division's Central Personnel Office.
2. The Regional Personnel Analyst completes Section II of the request, confirming the date all paid leave will be exhausted, and completes the Department of Health and Human Services COPE Review Checklist (PERS 3). The Regional Personnel Analyst then sends the request and the Department of Health and Human Services COPE Review Checklist to the Division's Human Resources Chief for review. The Division's Human Resources Chief then forwards the Request to Receive Catastrophic Leave Donations and the Department of Health and Human Services COPE Review Checklist to the Division Administrator for consideration.
3. The Division Administrator reviews the Request to Receive Catastrophic Leave and the COPE Review Checklist. The Division Administrator determines whether or not the employee meets the requirements to receive catastrophic leave and whether or not he/she will approve the request. The administrator then documents his/her determination in Section IV of the request to include, if applicable, an explanation of why the request was denied.
4. If the Division Administrator denies the employee's request, the Division Human Resources Chief or his/her designee provides the employee with a copy of the denied Request to Receive Catastrophic Leave. The Division Human Resources Chief/designee documents the date the denied request is provided to the employee, to include completing a certificate of mailing if the denied request is mailed to the employee.

5. If the request is approved, the Division Administrator determines the number of hours of catastrophic leave that he/she will authorize contingent upon donations and the number of hours, if any, that will be authorized from donations available to the Division in the Department of Health and Human Services General Fund subject to the following conditions.
  - a. **A transfer of leave from the Division's allotment of the Department's General Fund account will only be authorized in the event of a terminal diagnosis for an employee or a member of the employee's immediate family, as certified by the health care provider.**
  - b. **All other authorized hours will be contingent upon donations.**
6. The Division Administrator documents his/her determination on the COPE Review Checklist. The Division Administrator returns the request and checklist to the Division Human Resources Chief. The Division Human Resources Chief then brings the Request to Receive Catastrophic Leave to COPE (Committee on Personnel Effectiveness). COPE will review the request for compliance with the Nevada Revised Statutes and Nevada Administrative Code, hours requested, and departmental consistency.
7. The Division Human Resources Chief then submits the original request to the Department of Health and Human Services Director's Office, through the Department of Health and Human Services Deputy Director, Administrative Services, for final determination accompanied by a copy of the Physician's Certification for Catastrophic Leave Request and a copy of the COPE Review Checklist. The Department of Health and Human Services Deputy Director, Administrative Services, reviews the request, communicating with the Division if there are any questions or further information required, ensures sufficient hours are available if Department of Health and Human Services General Fund hours have been authorized by the Division, and documents the Department's determination in Section V of the request. The Department of Health and Human Services Deputy Director, Administrative Services, then returns the original Request to Receive Catastrophic Leave Donations form to the Division Human Resources Chief for processing and retains a copy of the request.
8. Upon receipt of the approved Request to Receive Catastrophic Leave Donations from the Department of Health and Human Services, the



Division Human Resources Chief completes the Notification of Agency's Payroll Center (PAY-23A), consistent with the number of hours authorized on the approved request form, obtains the required signature, provides the notification form to the Central Personnel Office Accounting Assistant 3 for processing, and retains a copy of the notification form. The Division Human Resources Chief or his/her designee provides the employee with a copy of the approved Request to Receive Catastrophic Leave Donations and documents the date the approved request is provided to the employee, to include completing a certificate of mailing if the approved request is mailed to the employee.

**NOTE:** All Catastrophic Leave transactions for the Division will be processed through the Central Personnel Office, not at the regional/local level.

9. Catastrophic leave is typically approved incrementally based on the employee submitting an updated Physician's Certification form periodically to the Division Human Resources Chief. Continuing requests should be documented on a **new** Request to Receive Catastrophic Leave Donations form completed by the Human Resources Chief and submitted for approval to the Division Administrator and the Department of Health and Human Services Deputy Director, Administrative Services, as described above with "Continuation" noted in the upper right-hand corner of the form. Catastrophic leave contingent upon donations is typically granted before consideration is given to granting leave from the limited number of hours available in the Department of Health and Human Services General Fund. Also, as described above, a **transfer of leave from the Division's allotment of the Department's General Fund account will only be authorized in the event of a terminal diagnosis for an employee or a member of the employee's immediate family, as certified by the health care provider.**
10. Catastrophic leave hours must not be granted to an employee after the need to take leave for a catastrophe ceases to exist, or after the employee resigns, or after his/her employment with the Division is terminated.

#### **F. CONFIDENTIALITY**

Every effort must be made to ensure information regarding the medical condition of an employee or his/her family member remains confidential. This includes discussing the information with only those who have a legitimate need to know, transmitting information in a confidential envelope, and maintaining medical information in a locked file separate from the

employee's personnel jacket.

#### **G. APPEAL PROCESS**

1. An employee who is aggrieved by a decision of an appointing authority may appeal the decision by filing a written notice of appeal with the Committee on Catastrophic Leave within ten (10) calendar days after the date of the Division Administrator's decision.
2. An employee who wishes to appeal a decision should complete a Formal Appeal to Committee on Catastrophic Leave (PAY-23B) and submit the appeal form to the Committee on Catastrophic Leave, c/o Nevada State Department of Personnel, 209 East Musser Street, Room 101, Carson City, Nevada 89701.
3. The Committee on Catastrophic Leave will schedule a hearing within five (5) calendar days after receiving notice of an appeal and notify the employee and the Division of the hearing date. The hearing itself will be held not later than twenty (20) calendar days after the committee receives notice of an appeal.
4. The employee may represent himself/herself at the hearing or may be represented by an attorney or other person of the employee's choosing. The Division should also have a representative present at the hearing.
5. The Committee on Catastrophic Leave will render a decision within ten (10) calendar days of the hearing. The decision of the committee is final and is not subject to judicial review or the grievance procedure.

#### **H. DONATIONS**

If an employee agrees that his/her need for catastrophic leave may be publicized, the Regional Personnel Analyst will solicit donations from the Agency / Division / Department, as appropriate, after approval for receipt of catastrophic leave is granted. The employee may prefer to solicit his/her own donations. Donations from those employed in other Departments or in the Legislative or Judicial Branches can be accepted.

Annual, sick leave, or special sick leave may be donated for catastrophic leave. Sick leave, however, may not be donated if the sick leave balance in the donor's account after the transfer will be less than two hundred forty (240) hours. Donations must be made in eight (8) hour increments. The maximum hours that may be donated by a donor during a calendar year is one hundred twenty (120) hours.

1. **NPD-25, NOTICE OF INTENT TO DONATE LEAVE:** Intended donations are documented on the Notice of Intent to Donate Leave portion of the Catastrophic Leave Form (NPD-25). The donor indicates whether he/she wants his/her donation directed to a specific person or to the Department of Health and Human Services General Fund and the type of leave he/she wishes to donate. The donor's appointing authority shall verify the accuracy of the information on the form, verify the employee's leave balances, and certify that the donation does not exceed the one hundred twenty (120) hour maximum. After obtaining the approval and signature of his/her appointing authority, the employee shall submit the completed form to the Central Personnel Office Accounting Assistant 3 for processing. The Central Personnel Office Accounting Assistant 3 is responsible for notifying employees of the status of their donations.
2. **NPD-25, REQUEST TO TRANSFER LEAVE:** This section of the NPD-25 must be completed by the **recipient's APPOINTING AUTHORITY** when leave hours specifically designated for use by a particular employee are needed. The completed request to transfer leave must be submitted to the Central Personnel Office Accounting Assistant 3 to effect transfer of leave hours from the donor's account to the recipient's account. The Central Personnel Office Accounting Assistant 3 will forward a copy to the donor as notification that donated leave hours have been transferred.

In accordance with NAC 284.576, if more than one (1) notice of intent to donate leave is received, the notices must be maintained in chronological order and used, one (1) at a time as needed, according to the date on which the notices were received.

3. **DONATION TO DEPARTMENT OF HEALTH AND HUMAN SERVICES GENERAL FUND:** If an employee wishes to donate leave to the Department of Health and Human Services General Fund, the Central Personnel Office Accounting Assistant 3 is responsible for processing the Special Pay/Time Adjustment form necessary to transfer the leave from the donor's account to the Department of Health and Human Services General Fund and for forwarding a copy of the donation (NPD-25) and the Special Pay/Time Adjustment form to the Department of Health and Human Services Deputy Director, Administrative Services, at the time the transfer occurs.

There is only one General Fund for the Department as a whole. The Deputy Director, Administrative Services, tracks, by Division, the source and distribution of donations to and withdrawals from the

Department of Health and Human Services General Fund based on documentation received from each Division. No leave will be credited to the Division's portion of the Department of Health and Human Services General Fund until a copy of the authorized donation (NPD-25) and the Special Pay/Time Adjustment form is received by the Department of Health and Human Services Deputy Director, Administrative Services. No donations may be designated by the Division Human Resources Chief for transfer from the Division's portion of the Department of Health and Human Services General Fund to an employee unless the Division Administrator and the Department of Health and Human Services Deputy Director, Administrative Services, or their designees have authorized the transfer, as evidenced by both of their signatures on the Request to Receive Catastrophic Leave Donations form.

Unused leave from the Department of Health and Human Services General Fund must be returned to the General Fund. Upon receipt by the Department of Health and Human Services Deputy Director, Administrative Services, of a Catastrophic Leave Reconciliation form (PERS 4) and, if applicable, a copy of a Special Pay Time Adjustment form, the leave will be credited back to the Division's portion of the General Fund.

## **I. RECORDKEEPING**

The Central Personnel Office Accounting Assistant 3 processes the Special Pay/Time Adjustment forms necessary to transfer leave from a donor to the catastrophic leave recipient's account. Donations to a particular employee, documented on the NPD-25, must be date stamped as they are received and are used one (1) at a time according to the date they were received. If an employee is authorized to receive leave from the Department of Health and Human Services General Fund, that authorization and the number of hours will be documented on the Request to Receive Catastrophic Leave Donation form and must be signed by both the Division Administrator and by the Department of Health and Human Services Deputy Director, Administrative Services, or their designees.

This authorization will in turn be documented by the Division Human Resources Chief on the Notification of Agency's Payroll Center. The Central Personnel Office Accounting Assistant 3 is responsible for processing the Special Pay/Time Adjustment form necessary to transfer leave from the Department of Health and Human Services General Fund to the recipient's account and for forwarding a copy of the Special Pay/Time Adjustment form to the Department of Health and Human Services Deputy Director, Administrative Services, at the time the transfer occurs.

Donations must not be transferred to an employee beyond the amount required for the report period (i.e., an employee must not carry a catastrophic leave balance on his/her payroll record). The Division Human Resources Chief is responsible for ensuring copies of completed and signed donation forms (NPD-25) are provided to the Department of Health and Human Services Deputy Director, Administrative Services. Donations in an amount beyond the number of hours or contrary to the source of hours (individual donations or General Fund) approved by the Division and by the Department of Health and Human Services may not be processed. Leave donated in excess of the amount approved for a particular employee must be returned to the employee who made the donation within thirty (30) working days after the last day the catastrophic leave recipient was eligible to receive leave.

Timesheets indicating catastrophic leave usage must be signed by the employee's supervisor.

The Division Human Resources Chief, in conjunction with applicable agency personnel and payroll representatives, maintains the information required by NAC 284.576 and maintains an accurate record of all catastrophic leave transactions. The Division Human Resources Chief ensures agency personnel and payroll representatives receive the Department of Health and Human Services catastrophic leave procedures and any updates to the procedures and ensures the Department of Health and Human Services Deputy Director, Administrative Services, receives documentation as outlined in the procedures.

#### **J. END OF LEAVE/YEAR END REPORTING REQUIREMENTS**

At the conclusion of an employee's catastrophic leave or at the end of the calendar year, which ever occurs first, the Division Human Resources Chief ensures a Catastrophic Leave Reconciliation form (PERS 4), documenting the disposition of donations, is completed for each employee and is submitted to the Department of Health and Human Services Deputy Director, Administrative Services. If the catastrophic leave is continuing into the next calendar year, donations that are being carried forward must be indicated on the form.

#### **K. LEAVE IN EXCESS OF 240 HOURS**

The Regional Personnel Analyst monitors the hours an employee is on catastrophic leave and leave without pay. Time on catastrophic leave and leave without pay combined, in excess of 240 hours, which began during the year following the date of appointment does not count towards the completion of a probationary period. An employee's pay progression date must also be adjusted for time on catastrophic leave and leave without pay combined in excess of 240 hours. (NAC 284.448; 284.182).

## **L. LTD COORDINATION**

The Regional Personnel Analyst should inform employees on catastrophic leave, who are expected to be disabled for at least six (6) months, of the state's long-term disability (LTD) plan and the process for submitting an application for benefits through the Public Employees Benefits Program. An employee who has been disabled from work for six (6) months or more may be eligible for benefits (up to 60% of his/her pay, adjusted for other income).

An application for benefits may be submitted prior to six (6) months of disability. LTD coverage is part of an employee's regular group plan benefits. The Regional Personnel Analyst should coordinate with Public Employee's Benefits Program to ensure that catastrophic leave is not granted in lieu of available LTD benefits.

## **M. WORKER'S COMPENSATION**

An employee who is entitled to worker's compensation and catastrophic leave benefits may not receive more than 100% of his/her pay for the period he/she is on leave. An employee must repay the account for catastrophic leave when the combined benefit of catastrophic leave and worker's compensation exceeds his/her normal rate of pay (NAC 284.577).

## **230.3.8 FAMILY AND MEDICAL LEAVE**

**NOTE:** All forms referenced in this Section can be obtained from Regional Personnel Analysts and/or Technicians.

### **A. ELIGIBILITY**

Pursuant to the Family and Medical Leave Act of 1993 (FMLA) and NAC 284.5811, employees are eligible for family and medical leave if they:

1. Have at least twelve (12) months of service with the State on the date that the leave commences, regardless of whether such service is continuous;
2. Have at least 1,250 hours of service with the State during the twelve (12) months preceding the day the leave commences;
3. Are employed, on the day the leave is requested, at a work site where the State employs at least fifty (50) employees within a seventy-five (75) mile radius of the work site; and
4. Have used less than twelve (12) workweeks that have been

designated family and medical leave during the applicable revolving year period.

**B. LIMITATION**

Pursuant to NAC 284.5811, no more than twelve (12) work weeks of one (1) or any combination of paid leave or leave without pay may be designated as family medical leave in a rolling one (1) year period.

**C. NOTICE OF RIGHTS AND OBLIGATIONS**

Upon request, an Appointing Authority must advise an eligible employee of his/her rights and obligations pursuant to the Family and Medical Leave Act of 1993. This information is available in the Regional Personnel Services Office.

An Appointing Authority may request a 2nd or 3rd opinion (at the Division's expense) to support the leave requirement and may require a fitness for duty report to return to work.

**D. NOTICE TO EMPLOYER**

An employee must give at least thirty (30) days notice or notice as soon as practicable given the circumstances of his/her need for such leave. The employee should give notice to his or her immediate Supervisor as soon as the need for leave becomes known.

An employee does not have to expressly mention FMLA to meet his/her obligation to provide notice, though the employee would need to state a qualifying reason for the leave.

Upon receiving notice of the need for leave, or absences in excess of three (3) days, the employee will be provided with a Request for FMLA Leave (NPD 60) to complete. The request form must be completed and forwarded through the employee's Supervisor to the Regional Personnel Analyst within two (2) working days, in so far as practicable. ***If the employee's condition is such that he/she is unavailable to complete the form, the Supervisor may complete the request form based on a verbal conversation.***

Designation of leave usage as FMLA leave is based upon the employee meeting the eligibility requirements for FMLA and upon notice to the employer that the reason for the leave is FMLA-qualifying. ***An eligible employee does not have the option to request that qualifying leave not be designated as FMLA leave.***

**E. SUPERVISOR'S RESPONSIBILITY UPON RECEIVING NOTICE**

When a Supervisor receives notice that leave is potentially FMLA-qualifying (typically through an employee requesting leave verbally, on the required leave request form, or calling in to report an absence), the Supervisor is responsible for notifying the Regional Personnel Analyst. The Supervisor is also responsible for providing the employee with a Request for FMLA Leave form (NPD-60) to complete, or for completing the form on the employee's behalf based on a verbal conversation, if the circumstances are such that the employee is not able to complete the form (e.g. medical emergency). The completed Request for FMLA Leave form is to be forwarded to the Regional Personnel Analyst within two (2) working days of receiving notice, as far as practicable.

The employee or Supervisor must request leave pursuant to FMLA as soon as a qualifying condition requires the employee's absence from work. The Supervisor must ensure all leave time qualifying under FMLA is recorded on the employee's timesheet in accordance with the Division of Child and Family Services' policy of using all accrued leave prior to entering leave without pay status. The employee should contact his/her Regional Personnel Analyst if unsure of the correct FMLA coding.

**F. USE OF PAID LEAVE**

It is the policy of the Division of Child and Family Services to require the use of paid leave including annual leave, sick leave, catastrophic leave, or compensatory time prior to any leave without pay unless the leave is in connection with an industrial injury (see NRS 281.390 and NAC 284.578 [7]).

**G. INTENT TO RETURN**

The Appointing Authority may require an employee who is taking leave pursuant to FMLA to submit a statement every two (2) weeks of his/her intent to return to work.

**H. EMPLOYEE RETURN TO POSITION/RETENTION OF BENEFITS**

1. At the conclusion of leave pursuant to FMLA the employee must be returned to his/her position, unless the employee would not otherwise have been employed if the leave had not been taken.
2. The Division of Child and Family Services will continue to pay the State's contribution for health insurance. The employee must pay his/her portion of the premium including any dependent coverage premiums. For more information regarding premium payment the



employee should contact the Personnel Services Office.

3. The Division of Child and Family Services is precluded by law from interfering with, restraining or denying the exercise of any right provided under FMLA, and must not discharge or discriminate against any person for opposing any practice made unlawful by FMLA or for involvement in any proceeding under or relating to FMLA.

**Employees should contact their regional personnel services office with any questions relating to FMLA leave.**

### **230.3.9 MILITARY LEAVE**

#### **A. ACTIVE MILITARY SERVICE**

1. Authorized Military Leave (non-voluntary or during time of war) permits the employee to retain all rights as a State employee, including the accumulation of sick and annual leave for each month while on active duty, provided he/she requests reinstatement to his/her former position within ninety (90) days following honorable discharge from military service.
2. An uncompleted probationary period must be fulfilled upon return to State service.
3. An employee who performs active military service in the Armed Forces of the United States in time of war or emergency is entitled to civil leave with reduced pay for the period of such service. The pay will be the difference between the pay he/she would have otherwise received as a State employee and his/her pay for active military service. If his/her pay for active military service is greater than the pay he/she would have otherwise received as a state employee, the employee will not receive any additional pay pursuant to this section while he/she is in active military service.

#### **B. MILITARY TRAINING DUTY**

Military leave for training, not to exceed fifteen (15) working days in any one (1) calendar year, will be granted without loss of the employee's regular compensation and shall not be deemed to be employee's annual vacation provided for by law.

The employee may retain any compensation received for the performance of military training duties.

**230.3.10 LEAVE POLICIES FOR PARTICIPATION IN EXAMINATION**

- A. Upon giving reasonable notice to his/her Supervisor, an employee shall be permitted to take a reasonable amount of time to take any State Personnel or DCFS administered examination during working hours without loss of pay. Such leave will not be charged to annual, sick leave or administrative leave. This time is considered regular time worked.
- B. In the case of an employee wishing to take examinations for employment that are not administered by State Personnel or the Division of Child and Family Services (i.e., private employment, etc.), the employee will be charged with compensatory time off, annual leave or leave without pay.
- C. A reasonable amount of time must be given, without loss of pay, for job interviews, providing the interviews are for employment with a State Agency. Such interviews will not be charged to annual leave. In all other cases, the employee will be charged with compensatory time, annual leave or leave without pay.

**230.3.11 LEAVE WITHOUT PAY (NAC 284.578)**

In addition to NAC 284.578, the following provisions will apply to leave without pay:

- A. All leave without pay requests must be approved by the appropriate Deputy Administrator well in advance of the effective date of the leave without pay. When it is known leave without pay will occur, a memorandum requesting approval must be submitted to the Deputy Administrator through the appropriate chain of command with recommendations for action noted by each reviewer.
- B. All leave without pay requests should be screened carefully by the Supervisor in an effort to keep leave without pay to an absolute minimum.
- C. When employees return from emergency leave without pay, the appropriate leave request forms are to be initiated by the employee and submitted through the proper chain of command.
- D. Any employee on leave without pay status does not earn annual or sick leave credits for the amount of hours he/she is on leave without pay.
- E. Upon request, Personnel Services will prorate leave and provide projections on expiration of leave balances.

- F. The approved request must be received in the Personnel Services/Payroll Office by the appropriate payroll deadline to be deducted in a timely manner.

### **230.3.12 EDUCATIONAL LEAVE**

Policies regarding educational leave are provided for in the Training and Release Time Section of this Manual.

### **230.3.13 ADMINISTRATIVE LEAVE**

All administrative leave requests other than those for blood donations, employee assistance counseling, and volunteer firemen **must** be approved in advance by the Administrator or his/her designee.

Approval of a request for administrative leave may not result in an employee receiving dual compensation.

#### **A. BLOOD DONATIONS**

State employees may be given up to two (2) hours of administrative leave to donate blood. The leave may be approved for recognized blood donation drives or when an employee volunteers to donate blood. Employees shall request approval in advance from their Supervisors for administrative leave to donate blood.

#### **B. VOLUNTEER FIREMEN**

Leaves of absence with pay shall be granted to all employees to act as a volunteer fireman of any regular organized and recognized fire department for the protection of life or property or other equally satisfactory reason which is a benefit to the State as a whole and approved by the Department of Personnel during working hours, or fractions thereof, which should otherwise have been devoted to State employment.

#### **C. EMPLOYEE ASSISTANCE COUNSELING**

NAC 284.589.4 provides:

"An Appointing Authority shall grant administrative leave with pay to an employee for the initial appointment and one follow-up appointment if the employee receives counseling through the Employee Assistance Program."

Supervisors must verify the employee's attendance for each session prior to

approving administrative leave on timesheets.

Employees wishing to seek additional counseling must use sick or annual leave if scheduled during normal work hours.

**D. ADMINISTRATIVE LEAVE WITH PAY**

1. The Administrator or his/her designee may grant administrative leave with pay to an employee:
  - a. To relieve the employee of his/her duties during the active investigation of a suspected criminal violation or the investigation of alleged wrongdoing;
  - b. For up to thirty (30) days when the appointing authority initiates the leave to obtain the results of an examination concerning the ability of the employee to perform the essential functions of his/her position;
  - c. For up to thirty (30) days to remove the employee from the workplace when he has committed or threatened to commit an act of violence;
  - d. For up to two (2) hours to donate blood; or
  - e. To relieve the employee of his duties until the appointing authority receives the results of a screening test pursuant to NRS 284.4065.
2. The Administrator or his/her designee, upon approval of the Risk Management Division of the Department of Administration, may extend administrative leave with pay granted to an employee for a purpose set forth in paragraph (b) or (c) of Section 1.
3. Except as otherwise provided in Section 4, the Administrator or his/her designee or the Department of Personnel may grant administrative leave with pay to an employee for any of the following purposes:
  - a. His/her participation in, or attendance at, activities which are directly or indirectly related to the employee's job or his/her employment with the State but which do not require him/her to participate or attend in his official capacity as a state employee.
  - b. Closure of the employee's office or work site caused by a

natural disaster or other similar adverse condition when the employee is scheduled and expected to be at work. The Administrator or his/her designee may designate certain employees as essential and notify them that they are required to report to work.

- c. His/her appearance as an aggrieved employee or a witness at a hearing of the Committee.
  - d. His/her appearance as an appellant or a witness at a hearing conducted pursuant to NRS 284.390 by a hearing officer of the Department of Personnel.
  - e. His/her appearance to provide testimony at a meeting of the Commission.
4. The Administrator or his/her designee or the Department of Personnel shall grant administrative leave with pay to an employee for a purpose set forth in paragraph (c), (d) or (e) of subsection 3 if:
- a. The employee requests the administrative leave for a period of time that is reasonably needed for him/her to testify at the hearing or meeting;
  - b. The employee requests the administrative leave at least two (2) weeks before the leave is needed, unless such notice is impractical; and
  - c. The absence of the employee will not cause an undue hardship to the operations of his appointing/her authority or adversely impact the provision of services to clients or to the public.
5. The Administrator or his/her designee shall grant administrative leave with pay to an employee for any of the following purposes:
- a. The initial appointment and one follow-up appointment if the employee receives counseling through the Employee Assistance Program.
  - b. His/her attendance at a health fair which has been authorized by the Board of the Public Employees' Benefits Program.
  - c. His/her participation in an official capacity as a member of a committee or board created by statute on which he/she serves as a representative of state employees. Such leave must be in

lieu of other fees provided for attendance at meetings and participation in official functions of the committee or board.

- d. Up to eight (8) hours for preparation for hearings regarding his suspension, demotion or dismissal as provided in subsection 1 of NAC 284.656.
- e. Up to eight (8) hours for preparation for hearings regarding his/her involuntary transfer.

## **230.3.14 CIVIL LEAVE**

### **A. VOTING (NRS 293.463 and NAC 284.586)**

Leaves of absence with pay shall be granted to allow employees time off to vote-- subject to the following conditions:

- 1. Any registered voter may absent himself/herself from his/her place of employment, at a time to be designated by the employer, for a sufficient time to vote if it is impractical to vote before or after hours of employment. A sufficient time to vote shall be determined as follows:
  - a. If the distance between the place of such voter's employment and the polling place where such a person votes is two (2) miles or less, one (1) hour.
  - b. If the distance is more than two (2) miles but not more than ten (10) miles, two (2) hours.
  - c. If the distance is more than ten (10) miles, three (3) hours.
- 2. Such a voter may not, because of such absence, be discharged, disciplined or penalized, nor shall any deduction be made from his/her usual salary or wages by reason of such absence.
- 3. Application for leave of absence to vote shall be made to the employer or person authorized to grant such leave prior to the day of the election.
- 4. Civil leave is the code used on the timesheet.

**B. WITNESS AND JURY DUTY (NAC 284.582)**

Civil leave with pay must be granted to any employee who is required, during his/her normal hours of work, to serve on a jury or as a witness in a court or at an administrative hearing unless he or she is a party to the action that is not related to his/her job. The period of leave must not be deducted from the balance of the employee's annual leave. An employee who is granted the leave must be paid his/her regular salary while on the leave and may retain any fee paid to him/her for his/her service as a juror or witness.

Jury duty is considered CIVIL leave and should be coded UCIV on the timesheet, and a copy of the subpoena should be attached to the leave slip.

If an employee, in his/her official capacity as a State employee and as part of his/her required duties, serves as a witness during regular working hours, he/she shall accept any witness fee offered and relinquish it to the Agency.

If an employee is paid travel expenses and subsistence allowances by the court or public Agency for which he/she performs service as a witness, he/she may retain that payment only if the State has not provided him/her payment for the same purpose. If the State has provided such a payment, he/she shall relinquish it to the Agency.

**The above provisions are in accordance with NRS 6.190 (3),** which state that if a person is summoned to appear for jury duty, the employer and any employee, agent or officer of the employer shall not, as a consequence of the person's service as a juror or prospective juror:

1. Require the person to use sick leave or vacation time; or
2. Require the person to work:
  - a. Within eight (8) hours before the time at which he is to appear for jury duty; or
  - b. If his service has lasted for four (4) hours or more on the day of his appearance for jury duty, including his time going to and returning from the place where the court is held, between 5 p.m. on the day of his appearance for jury duty and 3 a.m. the following day.

Any person who violates the provisions of this subsection is guilty of a misdemeanor.

Each summons to appear for jury duty must be accompanied by a notice to the employer of the person summoned. The notice must inform the employer

that the person has been summoned for jury duty and must include a copy of the provisions of subsections 1, 2 and 3, NRS 6.190. The person summoned, if he/she is employed, shall give the notice to his/her employer at least three (3) days before he/she is to appear for jury duty.

Except as otherwise provided in this section, any person who in any manner dissuades or attempts to dissuade a person who has received a summons to appear for jury duty from serving as a juror is guilty of a misdemeanor.

## **230.4 CLASSIFICATION PLAN**

The classification plan is an inventory of the various classes or types of work in the State and the grade to which each is assigned. Positions with similar duties and responsibilities that may be paid at the same level are placed in the same class. The classification of a position is based upon the duties assigned to it and NOT upon the qualifications of the person holding the position.

### **230.4.1 CLASSIFICATION OF POSITIONS**

Factors involved in classifying a position include the kind and variety of duties, supervision exercised and received, responsibilities, complexity of work experience and training required, and any other important features that distinguish it from other positions.

### **230.4.2 CLASSIFICATION CHANGES**

The classification plan is subject to constant and systematic revision in order to reflect changes. If the duties of a position change, the Division may request a position review. All requests should be routed through the Regional Personnel Services Office, and the Human Resources Chief will review these requests with the Division Administrator or his/her designee.

An employee may individually submit a request, or the Human Resources Chief may initiate a classification review when believed necessary.

#### **A. REQUEST FOR POSITION CLASSIFICATION REVIEW OF AN EXISTING POSITION**

A Request for Position Classification Review (NPD-19) must be completed and submitted to the Regional Personnel Services Analyst to request a classification review of an existing position. This form provides a detailed listing of work assignments and related information. Detailed instructions are included with each form regarding the information required. This form can



be found on the State Department of Personnel Web Site: <http://dop.nv.gov>. Employees should click on “Forms/Publications.”

An additional checklist must be completed by the employee’s Supervisor prior to submission to the Regional Personnel Services Analyst. The Supervisor can obtain a copy of this checklist from the employee’s Regional Personnel Analyst.

#### **B. REQUEST FOR A NEW POSITION**

An NPD-19 must be submitted when requesting a new position. Budget approval of a position does not determine its classification. If the budget request is approved, the Department of Personnel and the Personnel Commission determine the position classification.

#### **C. AUDITS**

The Department of Personnel or the Regional Personnel Services Office, upon the written request of a Supervisor, Manager or an employee, may audit the classification status of any existing position. The results of the audit could ultimately be appealed by any of the parties to the Personnel Commission.

### **230.4.3 EMPLOYEE ASSIGNMENTS**

Employees must be assigned duties consistent with the class in which they are employed. For short, temporary periods of time, employees may be assigned special projects or other duties outside the class. Normally, if regular duties become inconsistent with the basic class specifications, action will be taken either for reassignment of duties or reclassification of the position.

### **230.5 COMPENSATION**

The State's compensation plan consists of a schedule of grades of pay prepared by the Department of Personnel and approved by the Personnel Commission for each classification in the Agency.

In making recommendations during regular legislative sessions concerning salaries for classified employees in the State, the Director of Personnel gives consideration to maintenance of equitable relationships between classes based on their relative duties and responsibilities; surveys of salaries of comparable jobs in government and private industry within Nevada and western states; changes in the cost-of-living; and the rate of turnover and difficulty of recruitment for particular positions.

Each class in the classification plan is assigned to a grade, and each grade or salary range consists of ten (10) steps. Each step above the entrance level represents approximately 4.5% above the previous step. Increases from step to step are not automatic but are based on standard performance. A maximum of one (1) step (approximately 4.5%) may be granted for an annual merit increase. Merit increases will be denied if an employee's performance does not meet the "standard" level.

For additional information on compensation, consult the State Department of Personnel's *Rules for State Personnel Administration* or Chapter 284, "State Personnel System," of the Nevada Administrative Code (NAC). or contact the Regional Personnel Services Office.

## **230.5.1 PAYROLL**

### **A. PAY PERIOD PROCEDURES**

The State of Nevada has biweekly pay periods. Salary accrued is paid on alternate Fridays. Payroll checks reflect hours worked for the two-week period ending twelve (12) days prior to the check issuance date for employees.

**All information affecting an employee's payroll check must be received in the Regional Personnel Services Office by noon of the Monday immediately preceding the end of the payroll period;** leave without pay must be reported immediately upon notice. When a holiday falls within the report period, the payroll deadline will change to the preceding Friday at noon. When information is not received in Regional Personnel Services Office by such dates, the Employee Status Maintenance Transaction (ESMT) document or other appropriate forms will not be processed until the next payroll period. All offices must adjust for mail delivery time to meet the above deadlines. Each office shall process actions affecting payroll on a daily basis to avoid creating crisis workload situations in the Division of Child and Family Services Personnel and Accounting offices. The paperwork involved in each action should be complete prior to mailing the information to the Regional Personnel Services Office.

### **B. PAYROLL DEDUCTIONS**

The check stub for each payroll check indicates the deductions made. The employee should call the Personnel Services/Payroll Office if clarification is required.

## **230.5.19 STANDBY AND CALL BACK PAY**

### **A. STANDBY PAY**

Pursuant to NAC 284.218, Standby Pay, or equivalent compensatory time off, at the rate of five percent (5%) of an employee's regular hourly rate, is available to employees who are directed to remain available for work if called. Standby Pay is not applicable to employees excluded from receiving overtime compensation.

### **B. ON-CALL PAY**

Pursuant to NAC 284.214, under certain conditions, additional compensation must be paid to employees who are called back to work on an unscheduled basis. Eligible employees must be credited with two (2) hours of call back pay at the rate of time and one-half. Call back pay is not available to employees receiving standby pay or employees excluded from receiving overtime compensation.

## **230.5.2 OVERTIME POLICY**

It is the Division's policy to keep overtime at an absolute minimum. To this end, all overtime must be prior approved by the Deputy Administrator or his/her designee using the Request for Use of Leave/Overtime. It is the responsibility of each Supervisor and Manager to ensure sound management principles are incorporated for proper workload planning and distribution, thereby making most overtime unnecessary with the exception of emergency situations. Employees should report overtime worked on their timesheet and use the appropriate numeric code associated with the reason for the overtime. Timesheets coded with overtime earned will need to be approved by the Supervisor and the appropriate Deputy Administrator or his/her designee. Approved request forms must be maintained by the Supervisor for one (1) year.

Supervisors should take particular care to allocate overtime to the appropriate overtime code. When overtime is approved, the following codes are to be entered on the timesheet:

|    |   |                             |
|----|---|-----------------------------|
| 02 | - | ACCOUNTING/FISCAL ISSUES    |
| 03 | - | ADMINISTRATION              |
| 04 | - | ADMINISTRATIVE SUPPORT      |
| 05 | - | BACKLOG REDUCTION           |
| 06 | - | BUDGET PREPARATION/RESPONSE |
| 07 | - | CLIENT MEETINGS             |
| 08 | - | CLIENT SERVICES             |
| 22 | - | PERSONNEL ISSUES            |
| 23 | - | PROGRAM/PROJECT DEADLINES   |
| 24 | - | SITE/EQUIPMENT REPAIR       |
| 27 | - | TRAINING                    |
| 29 | - | TRAVEL                      |
| 30 | - | WORKLOAD                    |

Overtime codes are listed on the back of the biweekly timesheet.

Timesheets not coded will be rejected, and payment for overtime or credit for compensatory time may be delayed.

When overtime is required and has been approved, all federal and state laws, Department of Personnel Rules, and Division of Child and Family Services Policies must be observed.

#### **A. OVERTIME ACCRUAL**

**Except as provided in the variable schedule policy (Section 230.3.1[F]),** overtime must be granted to all employees who work in excess of eight (8) hours in a day. Sick and annual leave will be considered time worked for the purpose of determining overtime for pay or compensatory time, pursuant to NAC 284.245.

A variable workday may be utilized based on NAC 284.524 and NRS 284.180.

1. Those employees who choose and are approved for a variable work schedule will be considered for overtime only after working forty (40) hours in one (1) week.

**Except in emergencies, Supervisors will not approve overtime for an employee during a work week when he/she has used annual or sick leave.**

2. A variable workweek schedule must be worked within a forty (40) hour period beginning Monday through the following Sunday.

3. An employee must not be required to work a variable work schedule.

To reduce overtime, Managers may utilize a variable work schedule policy in situations where duties and responsibilities require the need for working abnormal hours and the employee has signed an agreement to utilize the variable workday schedule.

4. **Those employees working a standard 8-hour work day that have not elected a variable work week schedule, are prohibited from working additional hours or varying their work schedule in the same day sick or annual leave have been used.** Any additional hours worked must be pre-approved by the appropriate Deputy Administrator or his/her designee.

## **B. ACCRUAL RATE**

Overtime will be accrued at the rate of time and one-half of the employee's normal pay rates for all non-exempt employees. The Classification Plan published by State Personnel identifies each class in the Classified Service as exempt or non-exempt. Exempt employees are not eligible for overtime compensation.

## **C. OVERTIME COMPENSATION**

Pursuant to NAC 284.250, the principal method of overtime compensation is cash payment. Compensatory (comp) time off may be granted if the employee and Appointing Authority agree and are in compliance with the Fair Labor Standards Act. Compensatory time off must be taken within a reasonable time after accrual at the direction of the Appointing Authority.

U.S. 29 CFR 553.23 permits an agreement or understanding between a public Agency and an employee to provide for compensatory time in lieu of cash payment. Absent such an agreement, overtime must be paid in cash. The State limitation of one hundred twenty (120) hours may be extended to two hundred forty (240) hours in accordance with the Fair Labor Standards Act (FLSA) with agreement of both parties. (*See* NAC 284.250.) Refer to Memo PERD #20/93 for compensatory time agreements with representatives of employees.

In compliance with U.S. 29 C.F.R. 553.23 no employee will be allowed to accrue compensatory time in excess of one hundred twenty (120) hours unless a signed Election of Compensatory Time form is on file in the Agency Personnel File. If this form is signed and on file in the Agency Personnel File, an employee can accrue compensatory time up to two hundred forty (240) hours. This form is given to new employees during their orientation

and is available to other employees through their Regional Personnel Services Offices.

If an employee is qualified to accrue in excess of two hundred forty (240) hours of compensatory time, he/she can only cash out hours **over** two hundred forty (240) hours.

If an employee is qualified to accrue one hundred twenty (120) hours of compensatory time, he/she can only cash out hours **over** one hundred twenty (120) hours.

In accordance with NAC 284.2508, unless it would cause an employee to forfeit an amount of annual leave pursuant to subsection 2 of NRS 284.350, an employee must, to the extent possible, exhaust his/her compensatory time before he/she uses his/her available annual leave.

An employee must not be unreasonably denied the opportunity to use compensatory time if the request is made two (2) weeks in advance. The employee should direct questions regarding overtime compensation to the Regional Personnel Services Office.

#### **230.5.21 SHIFT DIFFERENTIAL, SHIFT DIFFERENTIAL OVERTIME, AND SHIFT TRADING**

In August 2006, the Department of Personnel reviewed the payroll practices of DCFS in light of the rules contained in the Nevada Administrative Code (NAC), Chapter 284, "State Personnel System," the State Department of Personnel's *Rules for Personnel Administration*, and e-mail correspondence clarifying the proper application of shift differential pay issued at a DCFS Juvenile Services facility on May 26, 2006. The Department of Personnel's review confirmed the e-mail correspondence provided to DCFS staff accurately reflected payroll practice/historical precedent throughout the State of Nevada over the last twenty (20) years.

The May 26, 2006, correspondence clarifies the following:

- When an employee works overtime and the overtime hours qualify for the additional five (5) percent shift differential pay, the differential will only be paid if the employee elects POT, overtime for pay.
- When an employee works overtime, and the overtime hours qualify for shift differential, the differential will not be paid if the employee elects ACT, accrued compensatory time, since compensatory time is accrued in time.

Additionally, the proper procedures for administering shift trading and shift

differential payment on “touching shifts” were discussed. The following outlines the proper application of rules governing these practices and should be utilized on DCFS timesheets, effective FY 2007, pay period 6:

- **Shift trading** - NAC 284.228(3) clarifies that each employee involved in a shift trade agreement receives the pay he/she would have received if he/she had worked his/her regular shift. Each employee “trading shifts” should indicate in the comments section of his/her timesheet that he/she traded shifts on that day, e.g. “Shift Trade: Betty Jones worked for me.” The person regularly scheduled to work the qualifying shift receives his/her paid shift differential (PSD). The person actually working the qualifying shift does not receive the shift differential pay for the traded shift.
- **Touching Shifts** - Shift differential is paid only for a qualifying shift, as defined in NAC 284.210. For example, a swing or graveyard shift employee working overtime into a day shift only receives shift differential pay for the swing or graveyard hours. A day shift employee working eight (8) regular hours and at least four (4) hours of overtime between 6:00 p.m. and 7:00 a.m. is eligible for shift differential pay for the hours worked between 6:00 p.m. and 7:00 a.m.

### **230.5.3 TRAVEL TIME POLICY**

It is preferable all travel take place during normal working hours whenever possible.

Staff members involved in the scheduling of conferences, meetings and training sessions should attempt to establish schedules that allow for the above provision wherever possible.

All DCFS travel is authorized in accordance with the provisions of Chapter 200, “Travel,” of the State Administrative Manual (SAM).

### **230.5.4 SPECIAL SALARY ADJUSTMENTS/BILINGUAL PAY (NAC 284.206[b])**

An employee is eligible for a special salary adjustment in the amount of five percent (5%) if he/she is required to use bilingual skills at least ten percent (10%) of the time.

Employees are required to maintain and submit a log to their Regional Personnel Services Office to document the amount of time spent using bilingual skills. The effective date of the adjustment will be the date the duties are assumed, however, the adjustment will not be processed until the Personnel Services Office receives the appropriate documentation.

## **230.6 EMPLOYEE CONDUCT AND RELATIONSHIP WITH PROGRAM PARTICIPANTS**

The mission of DCFS is to provide services for children, youth and families. Policies must not be manipulated to qualify specific persons for special consideration. **Personnel who abuse Division policies for any reason will be subject to disciplinary action.**

### **A. DEFINITION**

The term "program participant" as used in this Section means and refers to any individual, or his/her official or unofficial designated representative, who is an applicant, client, household member of a client, recipient, provider, or employee of a provider, or licensee for any Nevada Division of Child and Family Services program.

### **B. CODES OF CONDUCT**

State statutes and DCFS regulations provide for required codes of conduct for employees in their relationships with DCFS program participants. These regulations are for the protection of the public, the Division, and its employees. As such, it is imperative Division of Child and Family Services employees know and adhere to these requirements.

#### **1. Employee Conduct**

Since public services are supported by taxes, the activities of persons engaged in public service are subject to a closer scrutiny than those of their counterparts in private enterprise. Also, since the majority of the taxpayers receive no direct benefit from DCFS services, which is in contrast to fire departments and public schools, the Division is under closer scrutiny than many other public service agencies. Because of this, Division employees must maintain high standards of professional behavior and appearance at all times. These high standards apply to all relationships with clients, other staff members, community contacts, and professional organizations.

Division of Child and Family Services' employees are the Agency's representatives and spokespersons. Employees must abide by the Division's policies and interpret them to the community and clients. Employees should not discuss the shortcomings of the Division with clients, service providers or the community. Employees must inform the appropriate people in the Division of perceived problems using their chain of command whenever possible.



## **2. Employee Requirements**

The conduct of employees on duty is expected to be above reproach, and off-duty employees should not bring discredit or embarrassment to the State or the Division. To this end, and in accordance with the applicable regulations, DCFS employees MUST:

- a. Behave and speak in a respectful manner to program participants;
- b. Not socialize or have personal or business relationships with program participants for the purpose of, or which results in, any DCFS program advantages, considerations or benefits to either the employee or program participant which exceeds their normal entitlement;
- c. No DCFS employee, or member of his or her household, shall use his or her position to seek, accept, secure, offer or provide any gift, service, favor, employment, emolument, rebate, privilege, preference, exemption or advantages from recipient or provider;
- d. Not provide, use or approve the use of a private vehicle, including their own for the transportation, in the performance of their duties, of a program participant unless specifically approved for work-related use by their Supervisor;
- e. Explain program requirements, but shall not assist, advise, provide or release to any individual any information on how an applicant or participant may manipulate a DCFS program by altering or adjusting his/her circumstances in order to obtain or increase his/her benefits or payments from a DCFS program;
- f. Not release, provide or make available to any individual, organization or the general public an applicant or client name(s), case or contract information except when necessary to meet or comply with applicable DCFS program regulations and/or requirements; and
- g. Immediately notify their Supervisor if an assigned case includes a member of their own family, business associate or a personal friend or one with whom the employee has conducted or is conducting business so the case can be reassigned to another worker. This will protect a worker from charges of manipulation or favoritism.

For information on ethical requirements when an employee provides emergency shelter care, foster care and adoption placement for DCFS clients, please see DCFS Policy #04-03 effective March 1, 2004.

In cases of extraordinary circumstances that require breach of the foregoing, approval shall be obtained from the appropriate Deputy Administrator or the DCFS Administrator.

#### **C. DCFS EMPLOYEE'S CHILD AS A PROGRAM PARTICIPANT**

1. The case records of an employee's child who is an applicant, client or former client of any Nevada Division of Child and Family Services programs will be afforded special handling to prevent these records from becoming available to co-workers. These case records will be kept in a locked file cabinet in the DCFS Rural Manager/Superintendent's office and made available only to the worker who handles the case until destroyed. No other employee is to either have access or avail himself or herself of this information without the specific approval of the responsible Deputy Administrator or DCFS Administrator.

#### **2. Employee/ Family Treatment**

Except as provided above, a DCFS employee's child who is an applicant or program participant must not be given treatment or consideration that is different in any way from that required or offered to any other program participant.

### **230.6.1 CLIENT RELATIONSHIPS**

All applicants and clients are entitled to the same courteous, understanding attention. There will be no discrimination or difference in service because of color, race, religion, sex, disability or any other reason. The rights of the individual to be treated with courtesy and respect will be carefully observed.

The determination of eligibility for assistance and the administration of the Division program is an expression of the law and Division policy. Employees of the Division are expected to adhere to these laws and policies without allowing subjective bias to influence their decision-making powers.

Relationships with clients shall be professional at all times. Personal relationships between staff members and clients are not considered professional and will not be tolerated by the Division. In some cases, personal relationships between staff and clients are illegal and will be referred to the Attorney General's Office for criminal

prosecution. Information received from clients is confidential and is only to be used within the Division for purposes that affect services to the client.

Case material/incident reports are considered confidential and cannot be used for research, writing or public relations without prior approval of the Division Administrator. If approval is granted, it must be disguised beyond recognition and reviewed by the appropriate Deputy or Chief prior to publication.

Employees are not permitted to accept gifts or payment from a client, person or firm doing business with the Agency.

#### **230.6.2 EMPLOYEE LOYALTY**

All employees are expected to be loyal and committed to Division policies, goals and objectives. The adherence to all laws and policies of the Division, and the attainment of Division goals and/or objectives should be the goal of every employee.

#### **230.6.3 EMPLOYEE AND PROFESSIONAL ORGANIZATIONS**

Employees have the right and are encouraged to join and participate in any State or governmental organization for employees and professional organizations in which they feel a need for personal participation. The only limitation imposed by the Division is that such participation may not interfere with the performance of duties during working hours. Unless specifically designated to represent the Division, employees shall not represent Division viewpoints and policies. The Administrator may grant up to thirty-two (32) hours of administrative leave per calendar year for participation in union conferences and council meetings.

#### **230.6.4 PERSONAL APPEARANCE**

Personal appearance is a direct reflection of the professionalism of the Division and its services. Employees of the Division of Child and Family Services are in a unique position of serving as role models for clients. As such, employees are encouraged to continually enhance both office and personal appearance to show their pride in what they do.

Managers and Supervisors are responsible for providing further specific definitions and details, as the need arises, and for ensuring dress code policies are administered consistently within the scope of their authority. Managers may consult with the Human Resources Chief should they need assistance.

**A. CASUAL BUSINESS ATTIRE**

Casual business attire may be worn on Fridays or any other date designated by the Division Administrator or Office Manager. Managers must inform Central Office Administration of any casual days they authorize.

The following dress is inappropriate and does not constitute casual business attire:

Beach sandals, thongs, and flat between the toe sandals;  
Worn tennis shoes with or without holes;  
Pants above the calf and/or shorts;  
Mini-skirts;  
Worn t-shirts or shirts with decals/writing/slogans (collared shirts are preferred);  
Sweatshirts;  
Denim jeans (other than on Friday --jeans are acceptable on "casual" Fridays); and  
Soiled, torn or stained clothing.

**B. FLEXIBILITY**

A Manager may allow designated employees flexibility in attire when a particular job duty or medical condition, either temporary or permanent, precludes the practicality of the normal expectations for appearance, e.g., casual attire for cleaning the file room, office clean-up days, athletic shoes for medical condition.

**C. PUBLIC APPEARANCES**

Employees representing the Division before groups, such as public governing bodies, community organizations and court, are required to dress professionally: coat and tie for men and appropriate business attire for women.

**D. HYGIENE/GROOMING**

1. Every employee is expected to maintain an acceptable level of personal hygiene so as to not offend clients or other staff. Personal hygiene is a component of good health, and staff should present as a role model. The use of excessive or heavy-scented cologne, perfume and aftershave lotion is discouraged due to possible health sensitivities.
2. Hair must be clean, neat and arranged in such a manner as to not interfere with safety. Distastefully dyed hair (e.g., green, blue, pink)

is not acceptable.

3. Beards must be clean, neat and trimmed as to not interfere in safety.
4. Fingernails must be clean and of appropriate length as to not interfere with assigned work or safety.
5. There will be no visible body piercing allowed except pierced ears.

#### **E. VIOLATIONS**

Violations of the guidelines set forth in this policy will lead to disciplinary action, up to and including discharge. Every Supervisor in the Division has the responsibility for ensuring his/her employees are aware of the guidelines and comply with the intent of this policy. Managers are responsible for ensuring the policy is applied consistently within their area of jurisdiction. Employees with questions regarding the suitability of an item of clothing should discuss it with their Supervisor prior to wearing it to work.

##### **1. First Violation**

Employees failing to comply with the dress code will be counseled by their Supervisor and sent home to change. This time will be charged to the employee's annual or compensatory time leave balance.

##### **2. Second and Subsequent Violations**

Employees with second or subsequent violations of the dress code will be sent home to change. The time will be coded absent without leave (AWOL) and subject to disciplinary action.

In addition, progressive disciplinary steps will be taken in accordance with Nevada Administrative Code Section 284.650 and DCFS *Personnel Policy and Procedure Manual*, Section 230.8 (Prohibitions and Penalties). Questions regarding the appropriate level of disciplinary action should be discussed with the Division of Child and Family Services' Human Resources Chief.

#### **230.6.5 FULL TIME SERVICE REQUIRED**

Each employee shall, during the hours of duty as an employee and subject to such other laws, rules or regulations as pertain thereto, devote his/her full time, attention and efforts to State employment. **Employees acting on behalf of other employees in a disciplinary or grievance procedure must take annual leave.**

### **230.6.6 POLITICAL ACTIVITY**

Employees shall have the right to vote as they choose and express their political opinions on all subjects without recourse. An employee shall not:

- A. Directly or indirectly solicit or receive, or be in any manner involved in soliciting or receiving any assessment subscription, monetary or non-monetary contribution for a political purpose from anyone who is a subordinate of the solicitor.
- B. Engage in political activity during the hours of his/her State employment for the purpose of improving the chances of a political party or individual seeking office; or at any time engaging in political activity for the purpose of securing preference for promotion, transfer or salary advancement.
- C. While off duty, engage in political activity to an extent that it impairs attendance or efficiency as an employee.
- D. As an employee in an Agency administering federally aided programs, engage in political activities at any time that are forbidden by federal law.

### **230.6.7 PROHIBITION OF DISCRIMINATION**

Discrimination against any person in recruitment, examination, appointment, training, promotion, retention or any other personnel action, because of political or religious opinions or affiliations or because of race, national origin, age, disability, sex or any other non-merit factor is prohibited. (See Section 230.6.10 of this Manual).

### **230.6.8 OUTSIDE EMPLOYMENT**

Any employee of the Division of Child and Family Services who plans to engage in paid employment outside normal working hours must ensure such employment does not conflict with his/her duties to the State. Some examples of potential conflict areas include, but are not limited to:

- A. Soliciting clients and/or contacts obtained through employment with DCFS for the establishment or maintenance of a private business or professional practice.
- B. Having a business relationship with program participants beyond normal entitlement.
- C. Having a relationship with Division clients in private business or professional

practice venture outside the State employment relationship.

A DCFS employee shall not enter into a private contract with the State in any capacity that may be construed as an extension of his/her duties or responsibilities to the State.

Any question regarding outside employment from either the employee or the Supervisor should be directed to the Human Resources Chief who will then coordinate with the Administrator. Any employee engaging in paid employment outside normal working hours shall notify his/her Supervisor in writing. Every effort must be made to ensure outside employment by an employee does not result in a conflict of interest OR the appearance of conflict of interest.

### **230.6.9 HUMAN IMMUNO-DEFICIENCY VIRUS (HIV) POLICY STATEMENT**

The Division of Child and Family Services has an obligation to provide a safe and healthy work environment for its employees. In addition, the State of Nevada is committed to providing fair and non-discriminatory treatment to all employees and applicants in accordance with federal and state statutes.

It is the stated policy of the State of Nevada that individuals with Human Immuno-Deficiency Virus (HIV) infection-related conditions be afforded the same compassion and consideration given to any person with a health related problem.

#### **A. EMPLOYEES WITH HIV**

An employee who has or is perceived to be infected with HIV is entitled to continue working as long as the employee is capable of satisfactorily completing the assigned job duties. Pursuant to the Americans With Disabilities Act, the State will make reasonable accommodations in job assignments and duties as with any employee who is disabled.

All reasonable steps will be taken to protect the identity of an employee who is HIV infected. Under the provisions of NAC 284.718, "Confidential Records," information in employees' files that relates to a disability condition is confidential and may not be released without appropriate approval as established in NAC 284.726, "Access to Confidential Records." No secret records may be maintained on an employee with a disability.

#### **B. APPLICANTS FOR EMPLOYMENT**

Any applicant who is or who is believed to be infected with AIDS, Aids Related Condition (ARC), or an HIV-related condition shall be afforded equal consideration for employment with the State of Nevada. The confidentiality of such applications shall be protected in accordance with

State and federal statutes, policies and procedures. Reasonable accommodation shall be made to assist individuals who may be disabled as a result of HIV/AIDS or an associated condition on a case-by-case basis. Each request for special assistance under the provisions of the policy shall be reviewed on an individual basis while maintaining appropriate levels of confidentiality.

### **C. WORKPLACE SITUATIONS AND CONCERNS**

According to the United States Center for Disease Control (CDC), there is no risk of an individual becoming HIV infected in normal workplace situations or public encounters. Employees are expected to perform their normal work duties with co-workers or members of the public who may be HIV infected or perceived to be infected when personal and intimate contact is not involved.

Continuing efforts will be made to provide employees with pertinent and up-to-date information on HIV as it affects the workplace. If anyone has specific concerns regarding HIV, the employee should contact the Health Division HIV Coordinator (located in the Bureau of Community Health).

Each Agency Administrator should develop specific guidelines for employees as an integral part of this policy. The HIV Agency Coordinator for the Division of Child and Family Services is the Human Resources Chief. One of the assigned duties should be coordination of employee and supervisory training and dissemination of information in cooperation with the Health Division's State HIV Program Coordinator.

Situations may arise where an employee may refuse to perform all or part of a job assignment due to fear of exposure to the HIV virus. An employee who refuses to carry out normal work assignments should be counseled by his/her Supervisor and/or designated Department or Agency HIV Coordinator. Emphasis should be placed on resolving any difficult situation or misunderstanding through counseling and information. However, where it has been determined there is no bona fide occupational health or safety risk, all employees will be expected to continue performing their assigned job duties. Where differences cannot be amicably resolved, disciplinary action is reserved.

As the HIV epidemic grows, Nevada will experience a higher incidence of the disease. This will affect the workplace; therefore, it is imperative Managers and Supervisors are sensitive to the concerns of their colleagues, subordinates and the public.

The Department of Personnel is confident that through the dissemination of accurate information on HIV, appropriate training, and effective counseling



and supervision, any adverse workplace incident or problem can be successfully resolved or averted.

Questions concerning this policy should be directed to the Health Division HIV Coordinator or the Division Human Resources Chief.

#### **230.6.9.1 TUBERCULOSIS TESTING IN THE WORK PLACE**

##### **A. POLICY**

It is the policy of the Division of Child and Family Services to require new employees at a 24-hour facility to submit to a screening test for Tuberculosis upon employment. Thereafter, an annual tuberculin screening will be required at the Agency's expense.

##### **B. PURPOSE**

1. To establish and implement a standardized policy and guideline for the screening and testing of Tuberculosis (TB);
2. To define the organization's responsibilities in the detection and prevention of Tuberculosis in facilities;
3. To define the employee's responsibilities in the detection, reporting and prevention of Tuberculosis;
4. To ensure and protect the health, safety and well being of all clients and staff;
5. To provide a baseline for new employees who work in high-risk populations.

##### **C. PROCEDURE**

1. At or before the time of employment, employees must be informed of the Agency's policy on tuberculosis testing, and the symptoms of tuberculosis.
2. All new employees performing direct client care services must receive a two-step Mantoux skin test screening post-employment offer to improve the accuracy of the base line results.
3. Employees who have had the test within twelve (12) months of hire may provide certification to the Agency. Thereafter, on an annual basis, employees will be given a one-step Mantoux Method skin test

screening for TB.

4. An employee with documented history of a positive Mantoux TB skin test is exempt from an annual screening with the skin test or chest radio graphics results unless he/she develops symptoms subjective of TB. Employees must complete a TB screening form on an annual basis.
5. The testing solution will be administered and documented on the pre-screening form by the Agency's nurse. Employees who have a negative reaction will have the test every twelve (12) months with the nurse completing pre-screening documentation. Employees who exhibit a positive reaction to the two-step test shall submit to a medical radiographic (X-ray) evaluation for active tuberculosis at the Agency's expense.
6. If the employee has a positive reaction to the skin test, after the Agency's base line test, the Agency will direct the employee to the Workers' Compensation medical provider for an X-ray. If the X-ray findings are negative, the employee will meet with the Agency's nurse and complete a TB screening form every twelve (12) months. If the employee answers *yes* to any of the symptom evaluation questions on the form, the employee will be directed to the Agency's Workers' Compensation medical provider for an X-ray and, if needed, treatment.
7. Employees who are sent for a TB X-ray at the initial base line TB screening shall meet with the Agency's nurse and complete a TB screen form every twelve (12) months. If the employee answers *yes* to any of the symptom evaluation questions on the TB screen form, the employee will be directed to his/her personal physician for medical treatment. The employee shall submit to an x-ray at the Agency's expense. If the X-ray findings are positive, the employee will be directed to his/her personal physician for medical treatment at the employee's expense. The employee must provide to the Agency certification he/she has successfully been treated and has been released to return to work by the treating physician.
8. The Regional Personnel Services Analyst will keep documentation of initial TB testing and subsequent tests and/or treatment in a file separate from the Agency Personnel file.
9. All facilities and staff that have direct care with clients are considered high-risk facilities.

## **230.6.9.2 HEPATITIS TESTING IN THE WORKPLACE**

### **A. POLICY**

The Hepatitis B infection is a major infectious occupational hazard for health care workers. The risk for acquiring HBV infection from occupational exposures is dependent on the frequency of per cutaneous and per mucosal exposures to blood or blood products. Any health care worker may be at high risk for Hepatitis B exposure depending on the tasks that he or she performs. If those tasks involve exposure to blood, blood contaminated body fluids, vaginal secretions, semen, cerebrospinal, fluid or peritoneal fluid on at least a monthly basis, such workers should be vaccinated. DCFS will provide vaccination at no cost to employees at risk for Hepatitis B exposure.

### **B. PURPOSE**

The purpose of this policy is to effectuate prevention procedures for high-risk personnel in danger of contracting Hepatitis B. This group is defined as follows:

Nursing Personnel  
Doctors  
Social Workers  
Housekeeping  
Psychologists  
Mental Health Counselors, Technicians and allied professionals whose regular duties include rendering first aid

### **C. PROCEDURE**

1. All "high risk" staff will be provided with a brochure explaining the Hepatitis B infection, its risks, and the risks versus benefits of vaccination.
2. All employees determined to be at risk for Hepatitis B infection will sign a consent form.
3. A Hepatitis B Vaccine will be dispensed by the designated nurse.
4. Vaccination will follow the protocol established by the manufacturer of the biological utilized and be administered by the assigned nurse.
5. The vaccine is a series of three (3) injections, the second given one (1) month from the first and the third six (6) months after the first injection. It is the responsibility of each employee to follow up at the appropriate time sequence.

6. Steps to be taken are as follows:
  - a. Information regarding Hepatitis and the HBV vaccine is given to all employees in orientation by the Regional Personnel Services Analyst and/or Technician.
  - b. The consent/declination forms are included and must be returned in ten (10) days to the Regional Personnel Services Office. Employee questions will be forwarded to a designated nurse, and a response will be sent to the employee.
  - c. The Regional Personnel Services Office will forward a copy of the consent/declination form to the designated nurse.
  - d. An appointment will be scheduled with the designated nurse during his/her regular work hours.
  - e. Injections will be given at the time of appointment, in one (1) month and again in six (6) months.
7. If during the course of vaccination, an employee decides to discontinue the regimen, he or she shall so indicate in writing on the original consent form.
8. Upon completion of each vaccine, the Nurse shall forward the Injection Record, consent forms and all documentation to the Regional Personnel Services Office for inclusion in the employee's separate medical-related file for further tracking.
9. In the event of documented per cutaneous or per mucosal exposure to blood, blood contaminated body fluids, vaginal secretions, semen cerebrospinal fluid, or peritoneal fluid, the Doctor/Medical Director; or his designee, shall retain the right to order specific diagnostic studies in accordance with community standards of practice for the diagnosis and surveillance of the Hepatitis B infection.
10. In keeping with community standards, medical personnel will authorize the administration of the HBV as necessary in 24-hour facilities.

### **230.6.9.3 DRUG AND ALCOHOL TESTING IN THE WORKPLACE**

*See the State of Nevada's Reasonable Suspicion and Pre-Employment Alcohol and Drug Testing Program* which is available on the State Department of Personnel Web Site: <http://dop.nv.gov>. Employees should click on "Forms/Publications." All forms referenced in this Section are available on this web site.

#### **A. DRUG TESTING PROCEDURES FOR APPLICANTS**

Nevada Revised Statutes (NRS) requires post-offer/pre-employment testing of applicants for positions designated by the Personnel Commission as affecting public safety.

1. The approved positions are identified in the State of Nevada Classification and Compensation Plan. Only applicants receiving a job offer are tested.
2. Notice covering the provisions of NRS 284.4066 must be given to an applicant at or before the time of application.
3. If the applicant is already employed by the State in a safety sensitive position and applies for another safety sensitive position, he/she is not required to submit to another pre-employment drug test (NAC 284.886).
4. Written consent by the applicant is required before any test is conducted. The original consent form is retained by the Agency, a copy is given to the applicant, and a copy is included with the drug testing form and delivered to the collection site at the time of the collection.
5. Tests should be scheduled at a State-specified collection site location. The employer Section of the drug testing form must be completed. There will be a preprinted drug test selection check box that provides for the negotiated drug screens from the vendor. Other drug test options may be requested, but the drug and/or type of test must be specified on the form. Drug tests not covered by contract will be at additional cost. Test results will be available on line or may be faxed to the Appointing Authority or the designated drug testing contact person for receipt of results typically within two (2) working days. If the test results are not received within three (3) working days, the Appointing Authority or the designee authorized for receipt of test results may contact the States drug-testing vendor. The applicant should be given the drug testing form in a sealed envelope to be delivered to the collection site at the time of his/her appointment.

6. If an applicant tests positive for a controlled substance, the Medical Review Officer will request proof from the applicant that the controlled substance was taken pursuant to a lawful prescription. An Appointing Authority shall not hire an applicant unless he/she provides proof within seventy-two (72) hours of the request that the controlled substance was taken as directed pursuant to a current and lawful prescription issued in his/her name (NRS 284.4066).
7. If a screening test indicates the presence of a controlled substance, the Medical Review Officer or the Appointing Authority shall advise the person who was tested and provide the person with an opportunity to have the same sample tested at his/her expense by a certified laboratory of his/her choice (NRS 284.4067).
8. The results of the screening tests are confidential and must be securely maintained by the Appointing Authority or his/her designated representative and must not be disclosed to anyone, except as provided in NRS 284.4068.
9. Employment is contingent on passing the screening test.

**B. ALCOHOL AND DRUG TESTING PROCEDURES FOR EMPLOYEES**

Employees may be subject to reasonable suspicion drug and alcohol testing. The Agency Appointing Authority and/or his/her designee will determine/approve the need for reasonable suspicion alcohol and drug testing of employees based on observable facts, including, but not limited to:

1. The operation of a motor vehicle by the employee in any manner that causes bodily harm;
2. Abnormal conduct or erratic behavior by the employee that is not otherwise normally explainable;
3. The odor of the breath of the employee and a decline in job performance that is not otherwise normally explainable;
4. Observation of the employee consuming alcohol and a resulting decline in job performance that is not otherwise normally explainable;
5. Observation of the employee possessing a controlled substance or using a controlled substance that is reported by a credible source;
6. The operation of a motor vehicle in such a manner as to cause more

than \$2,500 worth of property damage; or

7. The operation of a motor vehicle in such a manner as to cause two property accidents within a 1-year period.

There are other examples of employee workplace performance behaviors and/or incidents that might cause a Supervisor to reasonably suspect that an employee is under the influence. As examples, an employee may slur his/her speech, speak incoherently, have difficulty keeping his/her balance, use profane language, or engage in horseplay or other activity that leads to the injury of another employee. If this behavior is unusual, or the error in judgment is unusual for the employee, it may indicate he/she is under the influence and should be tested.

As long as the Supervisor is not harassing an employee by subjecting him/her to repeated testing without documented reasonable suspicion, he/she should not hesitate to send an employee in for testing. He/she should not fear having an employee test negative if he/she has done a good job of documenting and validating his/her reasons for requesting that the employee submit to testing.

If the Appointing Authority or his/her designee has reasonable belief that an employee is impaired he/she should complete a "Report Form for Suspected Alcohol/Drug Impairment." NRS 284.4065 requires a written record of the facts supporting a request to submit to a drug or alcohol test. Also, the employee must be informed of the specific facts supporting the request to submit to a reasonable suspicion drug and/or alcohol test. Using this form will satisfy those requirements. The guidelines on pages 3 and 4 of the *State of Nevada's Reasonable Suspicion and Pre-Employment Alcohol and Drug Testing Program* identify some of the physical symptoms of drug use and what to look for when making an assessment of whether an employee is under the influence of alcohol or drugs.

**NOTE:** The Supervisor may contact an Employee Assistance Program (EAP) coordinator for assistance with the evaluation of the facts supporting the decision to refer an employee for a screening test.

The Supervisor should complete an "Alcohol and Drug Testing Consent Form" indicating whether the employee will be tested for alcohol, drugs or both and have the employee sign the form. The original of the report form is retained by the Agency, a copy is given to the employee, and one (1) copy is delivered to the collection site handling controlled substance testing for inclusion with the test sample when it is referred for analysis. Pertinent information relevant to medication legally taken by the employee will be considered by the Medical Review Officer when assessing a positive test result.

**If the employee refuses to sign the form or take the test:**

1. The employee should be advised his/her refusal may result in his/her dismissal or in other disciplinary action.
2. If he/she still refuses to sign the form, a note to this effect should be placed on the consent form.
3. The Supervisor and a witness should attest to the employee's refusal to sign the form.
4. Arrangements should then be made for the safe transportation of the employee to his/her home. The employee may elect to call a taxi, his/her spouse or a friend to transport him/her home.
5. If he/she insists on driving home, the Supervisor should advise the employee of his/her intent to notify the Nevada Highway Patrol or other local law enforcement personnel of the potential for a DUI violation.

If the employee signs the form consenting to the test, it is the Appointing Authority's responsibility to transport the employee to the collection site (NAC 284.890) for testing and to his/her home following the test. The Highway Patrol will assist with transportation at the request of the Appointing Authority. The Supervisor can contact the Highway Patrol by calling the Region Commander at the telephone number listed on the "Confirmatory Test Sites for Alcohol Testing."

If the Highway Patrol is called to assist with the transportation, every attempt should be made to keep the matter confidential between the employee and the employer. To avoid the disruption and preserve the confidentiality of the employee in the workplace, the Supervisor may choose to meet the Highway Patrol Trooper at an offsite location. In addition to providing assistance with transportation as noted above, the Highway Patrol will conduct a breath test for alcohol on site. If the person tests positive for alcohol, the Highway Patrol will take the employee and Supervisor to one (1) of the confirmatory test sites. This should be discussed with the Highway Patrol at the time it is notified.

The Supervisor of the employee must accompany the employee when the employee is tested for alcohol and/or a controlled substance. The Supervisor is responsible for taking a copy of the Nevada breath test for alcohol form to the Highway Patrol Officer to record the results of the breath test for alcohol, and blank copies of the required drug test forms when a screening test for a controlled substance is requested. Check the preprinted box under drug tests to be performed. Additional tests for substances not tested for under the



contract or a request for a blood test are at additional cost to the requesting Agency.

Additional information may be found on the Department of Personnel's web site: <http://dop.nv.gov>.

The Appointing Authority may place an employee on administrative leave with pay pending receipt of the results of a screening test (NRS 284.4065).

If an employee tests positive for a controlled substance, the Medical Review Officer will request proof from the employee that he/she is taking the controlled substance pursuant to a current and lawful prescription issued in his/her name. An employee who fails a drug test has seventy-two (72) hours to provide proof for the legally prescribed use of the substance, or be subject to disciplinary action (NRS 284.4063).

The Appointing Authority or his/her designee shall provide the written results of the screening test to the employee within three (3) working days after receipt of the results (NRS 284.4065).

#### **230.6.9.4 BLOODBORNE PATHOGENS – CONTAGIOUS DISEASE EXPOSURE (NRS 441A.195)**

1. A law enforcement officer, correctional officer, emergency medical attendant, firefighter, county coroner or medical examiner or any of their employees, any other person who is employed by an Agency of criminal justice or any other public employee whose duties may require him/her to come into contact with human blood or bodily fluids, who may have been exposed to a contagious disease while performing his/her official duties, or the employer of such a person, may petition a court for an order requiring the testing of a person or decedent for exposure to the human immunodeficiency virus, the hepatitis B surface antigen, hepatitis C and tuberculosis if the person or decedent may have exposed the officer, medical attendant, firefighter, county coroner or medical examiner or their employee, other person employed by an Agency of criminal justice or other public employee whose duties may require him/her to come into contact with human blood or bodily fluids to a contagious disease.
2. When possible, before filing a petition pursuant to subsection 1, the person or employer petitioning shall submit information concerning the possible exposure to a contagious disease to the designated health care officer for the employer or, if there is no designated health care officer, the person designated by the employer to document and verify possible exposure to contagious diseases, for verification that there was substantial exposure. Each designated health care officer or person designated by an employer to

document and verify possible exposure to contagious diseases shall establish guidelines based on current scientific information to determine substantial exposure.

3. A court shall promptly hear a petition filed pursuant to subsection 1 and determine whether there is probable cause to believe that a possible transfer of blood or other bodily fluids occurred between the person who filed the petition or on whose behalf the petition was filed and the person or decedent who possibly exposed him/her to a contagious disease. If the court determines that probable cause exists to believe that a possible transfer of blood or other bodily fluids occurred, the court shall:
  - a. Order the person who possibly exposed the petitioner, or the person on whose behalf the petition was filed, to a contagious disease to submit two (2) specimens of blood to a local hospital or medical laboratory for testing for exposure to the human immunodeficiency virus, the hepatitis B surface antigen, hepatitis C and tuberculosis; or
  - b. Order that two (2) specimens of blood be drawn from the decedent who possibly exposed the petitioner, or the person on whose behalf the petition was filed, to a contagious disease and be submitted to a local hospital or medical laboratory for testing for exposure to the human immunodeficiency virus, the hepatitis B surface antigen, hepatitis C and tuberculosis.

The local hospital or medical laboratory shall perform the test in accordance with generally accepted medical practices and shall disclose the results of the test in the manner set forth in NRS 629.069.

4. The employer of a person who files a petition or on whose behalf a petition is filed pursuant to this section or the insurer of the employer shall pay the cost of performing the test pursuant to subsection 3.
5. As used in this section:
  - a. “Agency of criminal justice” has the meaning ascribed to it in NRS 179A.030.
  - b. “Emergency medical attendant” means a person licensed as an attendant or certified as an emergency medical technician, intermediate emergency medical technician or advanced emergency medical technician pursuant to Chapter 450 B of NRS.

#### **230.6.10 POLICY AGAINST SEXUAL HARASSMENT & DISCRIMINATION**

Sexual harassment and discrimination based on race, color, national origin, religion,

sex, age, disability, or sexual orientation in any term, condition or privilege of employment are violations of State and federal law.

**A. PURPOSE**

The purpose of this policy statement regarding sexual harassment and discrimination is to clearly express the position of the State of Nevada that all employees have the right to work in an environment free from all forms of discrimination and conduct which can be considered harassing, coercive or disruptive.

Sexual harassment and discrimination are forms of misconduct which undermine the integrity of the employment relationship. No employee -- either male or female -- should be subjected to unsolicited and unwelcome sexual overtures or conduct, either verbal or physical. Nor should any employee experience discrimination in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment. Sexual Harassment and discrimination are personally offensive, debilitate morale, and, therefore, interfere with work effectiveness. Such behavior will result in disciplinary action up to and including termination.

**B. COVERAGE**

This policy is intended to be applicable to all State employees, officers, appointees such as board members, and volunteers in the executive branch of government. All elected officers are encouraged to adopt this policy.

**C. RESPONSIBILITY**

1. Sexual harassment and discrimination, whether committed by a Supervisor, coworker, or member of the public, are specifically prohibited as unlawful and against State policy. Department Directors are responsible for taking immediate and corrective action in response to complaints, regardless of whether the specific acts complained of were sanctioned or specifically forbidden and regardless of the manner in which the Department Director became aware of the conduct.
2. Department Directors shall provide each employee with a copy of this policy informing him/her that sexual harassment and discrimination are prohibited conduct and will not be tolerated or condoned. All employees will acknowledge receipt and understanding of the policy through a signed statement.
3. All new employees, officers, appointees, board members and

volunteers in the executive branch shall attend a class on sexual harassment prevention training within six (6) months of their appointment. Employees are required to attend a refresher training once every two (2) years regarding the State's sexual harassment policy.

4. Managers and Supervisors are also required to attend training related to equal employment opportunity.
5. Department Directors shall advise all employees of their responsibility to report incidents of sexual harassment and discrimination.
6. Department Directors shall designate employees within each Agency to act as Coordinators for the reporting of complaints of incidents of sexual harassment and discrimination and will notify employees of the Coordinator.
7. Supervisors shall have a complete understanding of this policy. Supervisors who willfully disregard incidents of sexual harassment or discrimination by subordinates will be disciplined. Supervisors are responsible for ensuring their employees have received training as outlined in this policy.
8. It is the responsibility of Department Directors to make sure their Agencies are in full compliance with this Policy and associated legal guidelines.

#### **D. STATE EMPLOYEES' RIGHTS AND RESPONSIBILITIES**

1. Employees are entitled to work in a workplace free of sexual harassment and discrimination.
2. Employees are responsible for ensuring they do not sexually harass or discriminate against any other employee, client, applicant for employment, or other individual with whom they have contact in the performance of their duties.
3. Employees are responsible for cooperating in the investigation of complaints of alleged sexual harassment or discrimination and cooperating with efforts of their Agency, Division, Board or Commission to prevent and eliminate sexual harassment and discrimination and to maintain a working environment free from such unlawful conduct. Pursuant to NAC 284.650, failure to participate in any investigation of alleged discrimination, including without limitation, an investigation of sexual harassment is cause for

disciplinary action.

## **E. LEGAL DEFINITIONS AND GUIDELINES**

1. NAC 284.771 specifies that sexual harassment violates the policy of this State and is a form of unlawful discrimination based on sex under State and federal law. An employee shall not engage in sexual harassment against another employee, an applicant for employment or any other person in the workplace.

Sexual harassment is a very serious disciplinary infraction. An Appointing Authority may impose harsh disciplinary sanctions on persons who commit sexual harassment, even on first time offenders.

2. As used in NAC 284.0995 and Section 703 of Title VII of the Civil Rights Act of 1964, "sexual harassment" means unwelcome sexual advances, requests for sexual favors, or other speech or physical conduct of a sexual nature when:
  - a. Submission to such speech or conduct is made either explicitly or implicitly as a term or condition of a person's employment;
  - b. Submission to or rejection of such speech or conduct by a person is used as the basis for employment decisions affecting that person; or
  - c. Such speech or conduct has the purpose or effect of unreasonably interfering with a person's work performance or creating an intimidating, hostile or offensive working environment.
3. Equal opportunity with regard to the terms, conditions and privileges of employment is mandated under Title VII of the Civil Rights Act of 1964, the Americans with disabilities Act of 1990, the Age Discrimination in Employment Act of 1967, the Equal Pay Act of 1963, NRS 281.370, and numerous sections of Chapter 284 of the NRS, which address the State's Personnel System.
4. The State of Nevada is an equal opportunity employer and does not discriminate against job applicants or employees based on race, color, religion, sex, national origin, disability, age, pregnancy, or sexual orientation.
5. Federal law prohibits retaliation against employees who bring sexual harassment or discrimination charges or assist in investigating such

charges. Any employee making sexual harassment or discrimination complaints or assisting in the investigation of such a complaint will not be adversely affected in terms and conditions of employment, nor discriminated against, disciplined or discharged because of the complaint.

## **F. PROCEDURE**

### **1. Employee**

- a. Employees who believe they have been a victim of sexual harassment or discrimination shall first advise the person believed to have engaged in sexual harassment or discrimination that the conduct is unwelcome, undesirable or offensive. If the employee elects not to confront the alleged harasser, or if the conduct persists after an objection, the employee shall report the incident as set forth below. Employees will be asked to complete a complaint form.
- b. Employees shall report incidents of sexual harassment or discrimination to the Coordinator within their Agency designated to receive such complaints or call the Department of Personnel's Harassment/Discrimination Hotline at (800) 767-7381. Employees are always entitled to consult an attorney, labor representative or to report the incident to the Nevada Equal Rights Commission or Equal Employment Opportunity Commission.
- c. Employees should give the completed complaint form and any supporting documentation to the Coordinator designated within their Agency to receive such complaints or to the assigned investigator(s).

### **2. Department Directors**

- a. After notification of the employee's complaint, Department Directors shall promptly notify the Deputy Attorney General and the Department of Personnel's Sexual Harassment/Discrimination Unit. The Agency Coordinator will complete the complaint intake report and obtain a completed copy of the complaint form from the employee filing the complaint. The Coordinator will forward a copy of the completed intake report to the Agency's Deputy Attorney General and the Sexual Harassment/Discrimination Unit, along with any supporting documentation.

- b. The investigator will begin the investigation as soon as witnesses are available.
- c. Investigations will be conducted discreetly, with as little disruption to the workplace as possible. All information gathered in an investigation will be confidential, and the confidential nature of the investigative process will be conveyed to the complainant, the accused and each witness.
- d. The investigator will prepare a written report of findings, which will be submitted to the Department Director and the Agency's Deputy Attorney General. It is important to note that the ultimate decision for remedial action is the responsibility of the Appointing Authority; however, the investigation staff may suggest mediation services, if appropriate.
- e. After the investigation has been completed, the Department Director will determine the appropriate resolution of the case. If warranted, the Agency, after consultation with its Deputy Attorney General or Staff Counsel assigned to represent the Agency pursuant to State Administrative Manual §1702, shall take disciplinary action up to and including termination. The Agency shall retain a written record of the findings of the investigation and the resolution of the complaint as confidential records.
- f. At the conclusion of the Department of Personnel's Sexual Harassment/Discrimination Investigation Unit's investigation, the Department of Personnel will notify the complainant in writing that the investigation was completed and forwarded to his/her Agency for review. The Agency, in consultation with its Deputy Attorney General, shall notify both the complainant and the accused in writing at the conclusion of its administrative review. Additionally, the Agency shall take corrective action, if appropriate.

### **3. Complaint Submitted Through the Hotline**

- a. When an employee transmits a complaint of sexual harassment or discrimination through the hotline, the Sexual Harassment/Discrimination Unit will complete the initial intake report.
- b. The employee will be asked to submit the completed complaint form to the investigation staff.

- c. The investigator will forward a copy of the complaint form to the appropriate Agency coordinator.
- d. The investigation will then proceed as described for complaints submitted to Department Directors above.

#### **230.6.10.5 MEDICAL SEPARATION POLICY**

##### **A. SUMMARY OF APPLICABLE LAWS & REGULATIONS**

###### **Federal Law**

###### **1. Americans with Disabilities Act (Title I – ADA)**

- a. The ADA protects qualified individuals with disabilities from employment discrimination. The ADA has very specific definitions of “disability” and “qualified individual with a disability.”
- b. An individual with a disability is a person who has a physical or mental impairment that substantially limits one or more major life activities, a record of such an impairment, or is regarded as having such impairment.
  - \* Examples of major life activities include: walking, speaking, seeing, hearing, caring for oneself, and working.
- c. To determine whether an impairment constitutes a “disability” under the ADA, an individual must be unable to perform or be significantly limited in the ability to perform an activity as compared to an average person in the general population. The factors used to determine whether a person’s impairment substantially limits a major life activity include its nature and severity, how long it will be expected to last, and its permanent or long-term impact/expected impact. The determination of whether an individual has a disability must be made on a case-by-case basis.
  - \* A “qualified individual with a disability” is one who satisfies the requisite skill, experience, education and other job-related requirements of the position the individual holds or desires and who can perform the essential functions (i.e., fundamental duties) of the



position, with or without reasonable accommodation.

- d. An employer must provide a reasonable accommodation to the known physical or mental limitations of a qualified employee or applicant with a disability unless the employer can show the accommodation would impose an undue hardship on the business.
  - \* Examples of reasonable accommodations include: restructuring a job by redistributing marginal job functions, altering how an essential job function is performed, modified work schedules, modifying equipment or devices, and reassignment to a vacant position.
  - \* Modifications that are not considered forms of reasonable accommodation are eliminating an essential function of the position or lowering qualitative or quantitative production standards. However, an employer may have to provide reasonable accommodation to enable an employee with a disability to meet the production standard.
  - \* Placement of an employee in a workers' compensation vocational rehabilitation program cannot be substituted for providing a reasonable accommodation for an employee with a disability-related occupational injury who meets the ADA definition of an individual with a disability. An employee's rights under the ADA are separate from the provisions of workers' compensation law.

## **State Law**

### **2. Nevada Revised Statutes**

- a. NRS 613.330, "Unlawful Employment Practices, ..." prohibits discrimination on the basis of a number of factors including disability. The definition of "disability" mirrors the definition under the ADA.
- b. NRS 284.379, "Separation or Disability Retirement of Employee with Disability," applies to employees in state service. It requires an Agency to make reasonable accommodations to enable the employee to meet the performance requirements of his/her position. It further

provides that separation or disability retirement is in order only after it is apparent the employee's condition does not respond to treatment.

## **B. REFERRAL REQUIREMENTS**

### **NAC 284.611, "Separation for Physical, Mental, or Emotional Disorder"**

While an employee is on leave of absence, it is presumed that the employee's supervisor will be in periodic contact with the employee regarding how his/her recovery is progressing and when the employee anticipates returning to work. The supervisor, in turn, will keep the Regional Personnel Analyst informed.

1. Letters to the employee should be tailored to the specific set of circumstances.
2. Letters verifying the condition does not respond to treatment or an extended absence from work will be required. Enclosed with the letter should be a copy of the essential functions of the employee's position, including any physical requirements.
3. Should it be determined a reasonable accommodation is necessary, the supervisor and/or Personnel Services representative are responsible for engaging in a discussion about the type reasonable accommodation being requested by the employee. The supervisor/Personnel Services representative should then discuss the request with the appropriate management/administrative staff. Should it be determined that the employee will not be able to return to his/her position, the supervisor and/or Personnel Services representative is responsible for contacting available resources and making referrals as appropriate.
4. Subsection 1(c) requires the Agency to request the services of the Rehabilitation Division of the Department of Employment, Training and Rehabilitation or the rehabilitation Agency of the worker's compensation insurer to evaluate the employee's condition as it relates to his/her job, suggest possible restructuring of the job or transferring the employee to a vacant position for which he/she meets the minimum qualifications and to provide other rehabilitative services possible.
5. For worker's compensation claims, contact should be made directly with the vocational rehabilitation counselor assigned to the employee's claim.

6. Referrals to the Bureau of Vocational Rehabilitation should be made to the District Rehabilitation Manager. The manager is aware of the requirements of NAC 284.611 and the process established by their division to handle these referrals.
7. In order for a rehabilitation counselor to communicate with the Agency regarding the employee's condition, a release of confidential information must be signed by the employee. Similarly, a signed release is necessary before the Agency can forward medical documentation to the counselor. The Agency should also provide to the counselor a copy of the essential functions and work performance standards for the employee's position.
8. The Bureau of Vocational Rehabilitation will determine the employee's eligibility for services which requires medical documentation of disability. If eligible, an assessment of vocational rehabilitation needs (AVRN) is completed, and an individualized plan for employment is prepared. A copy of the AVRN will be provided to the Agency to meet the requirements of NAC 284.611.
9. Services of the Bureau of Vocational Rehabilitation can be accessed by contacting:

| <b>Reno</b>                  | <b>Las Vegas</b>             | <b>Rural Area</b>           |
|------------------------------|------------------------------|-----------------------------|
|                              |                              |                             |
| Rehabilitation<br>Manager II | Rehabilitation<br>Manager II | Rehabilitation<br>Manager I |
| 1325 Corporate Blvd.         | 628 Belrose Street           | 457 5 <sup>th</sup> Street  |
| Reno, Nevada 89502           | Las Vegas, NV 89107          | Ely, NV 89301               |
| 775-688-1480                 | 702-486-5230                 | 775-289-1675                |

The Agency Regional Personnel Analyst should contact the appropriate staff of the Bureau of Vocational Rehabilitation and confirm an appointment time for the employee. The Agency Regional Personnel Analyst should contact the employee with the appointment time and follow-up with a referral letter.

10. Should it not be possible for the employee to return to his/her position, the Agency Regional Personnel Analyst is responsible for requesting an up-to-date application from the employee and assisting in the identification of vacant positions for which the employee may qualify.
11. To assist with locating other vacant positions within the State system for which the employee may qualify, the services of the Department of Personnel are available. To request the Department's assistance

with the job development process contact employees should contact the Recruitment and Retention Unit of the Department of Personnel. To obtain contact information, employees should visit State Department of Personnel Web Site: <http://dop.nv.gov>:

## C. FINANCIAL ALTERNATIVES

### 1. Long-Term Disability Insurance

When a covered employee becomes seriously ill and misses work for an extended period of time Agency representatives should contact the Public Employees Benefit Program (PEBP) representative for information regarding the long-term disability plan (LTD).

This plan provides income protection in the event an employee becomes disabled and no longer able to work. This is an insured plan, which means the insurance company, UNUM Provident Corporation, is responsible for paying plan benefits. The employee may request to convert this coverage to an individual policy within 31-days of the date of his/her termination of employment. It should be noted that this benefit is not available to retirees.

- a. **Waiting Period:** If the employee is disabled, he/she is eligible for LTD benefits after a 180-day waiting period. During this waiting period he/she can return to work for 30-days or less without triggering a new waiting period. The waiting period begins the date of disability and ends 180-days later. After the 180-day waiting period the employee is eligible to receive benefits the next day.
- b. **Qualifying for LTD Benefits:** The employee is considered disabled when the insurance company determines the following:
  - \* Limitations in performing the material and/or substantial duties of his/her regular occupation due to sickness or injury; and
  - \* There is a 20% or more loss of his/her indexed monthly earnings due to the same sickness or injury.
- c. **Amount of Monthly Benefit:** The LTD benefit is 60% of his/her monthly base pay minus deductible sources of income. The maximum monthly benefit is \$7,500. The minimum monthly benefit is \$100. The benefit is calculated based upon his/her monthly base pay, excluding bonuses, overtime pay or other types of extra pay. If the employee is a legislator, the

benefit is calculated based upon his/her average annual salary over a 2-year period divided by 50%. It includes pay for normal legislative sessions, plus income received for attending interim committee meetings or special sessions.

The employee will continue to receive benefits beyond 24-months if he/she is unable to perform occupational duties that he/she could reasonably be expected to perform, considering his/her education, training and experience.

The LTD Claim Packet is available from PEBP. The packet contains forms for completion by the employee, his/her physician and the employer. It is strongly suggested the completed claim packet be sent to UNUM via certified mail with return receipt requested.

## **2. Disability Retirement**

### **a. Eligibility**

If the employee is a member of the Public Employees Retirement System (PERS) with at least five (5) years of service and becomes totally unable to perform his/her current or any comparable job for which he/she is qualified by his/her training and experience because of injury or mental or physical illness of a permanent nature, she/she is eligible to apply for a disability retirement allowance if:

- \* The employee is employed with a public employer at the time of application for disability retirement.
- \* The employee provides information that his/her disability renders him/her unable to perform the duties of his/her present position or of any other position he/she has held within the past year.
- \* The employee files a notarized application for disability retirement with PERS prior to termination of employment with the public employer.
- \* His/her employment will be terminated because of such disability.

It should be noted that a member may apply for disability retirement even if the member is eligible for service retirement.

**b. Procedure**

The disability retirement application packet is available from PERS and has four (4) parts:

- \* Member's statement of disability and retirement plan selection
- \* Report from the Human Resources Chief
- \* Report from the Supervisor
- \* Physician's statement regarding the disability

The Application for Disability Retirement must be filed with PERS prior to the employee's termination of employment. The completed application is submitted to the Retirement Board for approval. The Board shall designate a Medical Advisor who shall have responsibility for:

- \* Reviewing all medical evidence submitted
- \* Requesting further examination if, in his/her medical judgment, the evidence provided is inconclusive
- \* Making recommendations
- \* Being a consultant to the Board

Upon approval by the Board, disability retirement benefits are calculated in the same manner as service retirement benefits, but without reduction for age.

**3. Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA)**

1. COBRA is a Federal law, which provides the employee and his/her covered dependents the opportunity to continue to purchase insurance coverage when such coverage is discontinued. This coverage is available only under certain circumstances and for a limited time. The employee and/or his/her dependent must pay the full cost of the coverage. To qualify, the employee cannot be covered by any other group health plan. COBRA applies to the medical, dental, vision and health care reimbursement account plans.

COBRA coverage is available to the employee for a maximum of 18-months if one (1) of the following occurs:

- \* Employee's employment ends (except for gross misconduct)
- \* Employee's working hours are reduced to less than

- 80-hours a month
- \* Employee retires or resigns

COBRA is also available to the spouse and/or child for up to 36-months if one of the following occurs:

- \* Death of the employee
- \* Employee and spouse divorce or legally separate
- \* Child is no longer eligible (i.e. child marries or reaches age 19, or 24 if a full time student)

When an event occurs that qualifies the employee for COBRA, notification must be provided to the Public Employees' Benefits Program (PEBP). Thereafter, the employee will receive an election letter from PEBP advising how to apply, when coverage begins, and when and where to send the monthly premium payment. An enrollment form will be included with the letter. The employee has 60-days from the date of the election letter to return the letter and enrollment form. If COBRA is elected, the employee has up to 45-days after returning the election letter to pay the first premium. Coverage will be effective on the date it would have otherwise ended to ensure no break in coverage.

COBRA coverage ends if any of the following occurs:

- \* State of Nevada discontinues all its group health plans
- \* Employee, spouse or child fails to make a payment on time
- \* Employee, spouse or child becomes covered under another group health plan unless the other plan has any limitation for pre-existing conditions
- \* Employee, spouse or child becomes eligible for Medicare
- \* Employee, spouse or child dies
- \* The maximum period of COBRA coverage ends

#### **4. Unemployment**

Upon notification of a termination action, the employee will be provided with a copy of "Information for the Unemployed Worker."

This identifies the process/procedures for an employee to follow in the event he/she wishes to apply for unemployment benefits.

**D. DECISION TO MEDICALLY SEPARATE AN EMPLOYEE**

1. In accordance with NAC 284.611, medical separation is only to be considered when all reasonable efforts to retain the employee have been taken, including the steps described in Sections 1 (a - c) of NAC 284.611, and the results of these steps support a decision to separate the employee. Additionally, an employee cannot be medically separated if he/she is on annual, sick, or other approved leave. Finally, the employee must be ineligible for, or have refused, disability retirement.
2. When there is a decision to medically separate, the employee is notified using an NPD-42, "Recommendation of Separation," Pursuant to NAC 284.611. This form can be found on the State Department of Personnel Web Site: <http://dop.nv.gov>. Employees should click on "Forms/Publications."

**E. PRE-SEPARATION HEARING**

1. The hearing is an informal meeting between the appointing authority/designated representative and the employee. The purpose of the meeting is to discuss the medical separation.
2. Witnesses are not permitted, nor are they necessary; however, each party may have a person of his/her choice attend.
3. The employee should be informed that a hearing has been scheduled on his/her behalf. The date, time and place of the hearing and the medical reasons for the separation should be specified.
4. The hearing is scheduled no earlier than 7-days after the employee has received the NPD-42.
  1. The hearing is not to be scheduled on a day which is not a regular workday of the employee.
  2. The date of the hearing may be changed if the appointing authority/designated representative and the employee agree.
5. Prior to the hearing, the employee may examine any materials which will be used at the hearing.
6. The employee may receive up to 8-hours of administrative leave with pay to prepare for the hearing.
7. The employee may respond orally and/or in writing at the hearing.



8. The appointing authority/designated representative will conduct the hearing.
  - a. The designated representative must be a person with authority to recommend a final decision to the appointing authority, but does not render the final decision.
  - b. If in written form, copies of recommendations resulting from the hearing must be given to the employee.
9. The employee is to be informed, in writing, of the appointing authority's decision.
  - a. The employee maintains the right to appeal to the hearing officer any decision made, regardless of whether or not there was a hearing.

**F. REINSTATEMENT ELIGIBILITY**

1. An employee who has been medically separated can only be reinstated after a physician certifies that he/she is able to complete the essential functions of the position he/she held at the time of separation.
2. If an employee was separated without prejudice, an appointing authority may reinstate him/her within a 2-year period following his/her termination.
3. The employee may not be reinstated to either a grade higher in the class to which he/she formerly held, or to a position allocated at grade 30 or higher, if that position is at a higher grade than the position he/she formerly held.
4. The Department of Personnel must approve a reinstatement to a similar class prior to any commitment to reinstate.
5. It is the responsibility of a person seeking the reinstatement to make his/her interest known to the hiring Agency and to provide a new application to the appointing authority.

The person must meet the current minimum qualifications for the class for which the reinstatement is sought or for a similar class.

### 230.6.11 USE OF ALCOHOL AND DRUGS

NRS 284.406, "Policy Concerning Use of Alcohol or Drugs by State Employees," states: "It is the policy of this State to ensure that its employees do not:

1. Report to work in an impaired condition resulting from the use of alcohol or drugs;
2. Consume alcohol while on duty; or
3. Unlawfully possess or consume drugs while on duty, at a work site or on State property."

The State of Nevada Department of Personnel *Rules for State Personnel Administration* provide guidelines for screening tests in the case of suspected alcohol or drug abuse. The Human Resources Chief should be contacted immediately upon suspicion of abuse. Please see **230.6.9.3 for drug and alcohol testing procedures.**

### 230.6.12 CRIMINAL ACTS BY STATE EMPLOYEES

In accordance with NRS 228.175(2), the Attorney General has primary jurisdiction to investigate and prosecute criminal offenses committed by State officers or employees in the course of their duties or arising out of circumstances related to their positions.

Referrals for investigation of criminal allegations against State employees must be made as follows:

| Attorney General's Office<br><b>Northern Nevada</b>  | Attorney General's Office<br><b>Southern Nevada</b>                      |
|--|--|
| 100 North Carson Street<br>Carson City, Nevada 89701 | Sawyer Building<br>555 East Washington Street<br>Las Vegas, Nevada 89101 |
| Telephone: (775) 684-1153<br>Fax: (775) 684-1108     | Telephone: (702) 486-3797<br>Fax: (702) 486-3768                         |

In case of an emergency or violent crime, 911 or the local law enforcement Agency should be immediately called. Employees may contact on-site Capitol Police, as appropriate. Personnel from the Office of the Attorney General are available for training, as necessary.

### **230.6.13 INVESTIGATIONS**

It is the policy of the Division of Child and Family Services to notify staff in accordance with the provisions of NRS 284.387, the Peace Officer Bill of Rights, and the Garrity rule in the event of an internal administrative investigation and/or a criminal investigation. The employee accused of wrongdoing must be provided with a notice of investigation before interviews are conducted. If wrongdoing is confirmed, progressive discipline should occur within thirty (30)-days of the incident.

#### **DEFINITIONS**

##### **A. NOTIFICATION OF RIGHT TO REPRESENTATION – STATE OF NEVADA CLASSIFIED EMPLOYEE**

NRS 284.387, which became effective on July 1, 2003, sets out certain requirements of management when an employee is the subject of an internal administrative investigation. Specifically, an employee who is the subject of an internal administrative investigation that could lead to a suspension, demotion or dismissal, must be given written notice of the allegations against him/her before he/she is questioned regarding the allegations. Additionally, the employee must be afforded the right to have an attorney or other representative present when he/she is questioned and is granted at least two (2) business days to obtain representation, if he/she chooses.

Prior to notifying an employee of allegations and affording the employee his/her right to representation, the Agency should gather sufficient information to substantiate a suspicion or accusation. This could include questioning other employees or witnesses and reviewing files and records that may support or refute allegations against an employee suspected of misconduct.

Additionally, if the Agency has gathered sufficient evidence from sources other than the employee to substantiate misconduct, the Agency may simply serve the employee with a specificity of charges (NPD-41). This form can be found on the State Department of Personnel Web Site: <http://dop.nv.gov>. Employees should click on “Forms/Publications.”

If the Agency does not need to question the employee, the right to notice would not apply. However, in most instances, the employee would be entitled to pre-disciplinary hearing protections under NAC 284.656(1).

NAC 284.656 (2) and (3) provide exceptions to the standard pre-disciplinary procedures if the Appointing Authority has reasonable cause to believe the retention of an employee on active duty poses a threat to life, limb or property or may be seriously detrimental to the interests of the Division. The

Appointing Authority may remove an employee from duty or from the workplace without providing the employee with notices. Once removed, however, the employee cannot be questioned about allegations of misconduct until notice is provided as required in Section 2 of NRS 284.387.

Please contact the Regional Personnel Analyst for an appropriate notification template.

## **B. NOTIFICATION OF INVESTIGATION TO PEACE OFFICER**

Pursuant to Nevada Revised Statute (NRS) 289.200, some or all officers and employees of the Nevada Youth Training Center (NYTC), Caliente Youth Center (CYC), Summit View Youth Correctional Center (SVYCC) and Youth Parole Bureau have the powers of a Peace Officer so far as necessary to arrest children who have escaped from these facilities.

Under the Peace Officer Bill of Rights, the Agency shall, within a reasonable time before any investigation is held relating to the activities of a Peace Officer that may result in punitive action, provide written notice to the officer, if practical under the circumstances.

The notice must include:

1. A description of the nature of the investigation;
2. A summary of alleged misconduct of the Peace Officer;
3. The date, time and place of the interrogation or hearing;
4. The name of the individual conducting the investigation;
5. The name of any other person who will be present at any interrogation; and
6. The right of a Peace Officer to have a lawyer or other representative present with the Peace Officer during any phase of an interrogation or hearing.

The representative must not be otherwise connected to, or the subject of, the same investigation. Any information the representative obtains from the Peace Officer concerning the investigation is confidential and must not be disclosed except upon the request of the Peace Officer or an order of the court (of a competent jurisdiction). The Agency shall not take punitive action against the employee's representative for failing to disclose information. The Peace Officer or Agency may make a stenographic or magnetic record of the investigation. If the Agency records the investigation,

the Agency shall provide a copy of the stenographic transcript or recording at the Peace Officer's request. A notification letter meeting the requirements of the Peace Officer Bill of Rights can be provided by the Regional Personnel Analyst.

Pursuant to NRS 289.057 (2) a law enforcement Agency shall not suspend a peace officer without pay during or pursuant to an investigation conducted until all investigations relating to the matter have concluded.

### C. GARRITY WARNINGS

The Supreme Court has held that if an employer orders an employee to answer a question, the employee's answer and the "fruits" of that answer cannot be used against the employee in a subsequent criminal proceeding. This rule is known as the Garrity rule.

The impact of the Garrity rule is that whenever an employee is being questioned about misconduct **that is the subject of both an administrative and criminal investigation**, the Agency must notify the employee he/she is required to answer the question. When the employee is informed he/she is required to answer the question, the employee must fully cooperate with the investigation. If he/she does not answer the interview questions, he/she can be disciplined for insubordination. The statements provided by the employee cannot be used against him/her in a criminal case.

The Garrity Warning applies to any employee who is the subject of both an administrative investigation and a criminal investigation. For example, this warning would not be utilized in the event of an initial Child Protective Services (CPS) investigation, but may be utilized if a CPS investigation finds conduct occurred that might result in an internal administrative and criminal investigation. A notification letter meeting the requirements of the Garrity Warning can be obtained from the Regional Personnel Analyst.

### D. NOTICE OF INVESTIGATION CONSIDERATIONS

There are several considerations when issuing Notice of an Investigation to Division employees:

1. The Supervisor or Manager should first determine if the investigation is an internal administrative investigation or if the internal investigation may result in a criminal investigation. This determination should be made in conjunction with the responsible Deputy Administrator.
2. If the employee under investigation is **not** a Peace Officer, the NRS 284.387 notification process should be utilized.

3. If the employee under investigation is a Peace Officer, the Peace Officer notification process should be utilized.
4. The Supervisor or Manager must notify the responsible Deputy Administrator before notice is issued and the investigation occurs.
5. The Deputy Administrator must notify the Division Human Resources Chief before notice is issued and the investigation transpires.
6. A Supervisor or Manager should contact his/her Regional Personnel Analyst and/or the Division Human Resources Chief when an allegation is received for consultation and procedural clarification.

## **230.7 DISCIPLINARY AND CORRECTIVE ACTIONS**

### **A. POLICY**

Disciplinary and/or corrective actions against employees in the Division of Child and Family Services (DCFS) are to comply with all relevant federal and state laws and regulations, and Divisional policies and procedures. They are to be issued as timely as possible (within thirty [30] days of the incident or conclusion of the investigation as far as practical), and are to be equitable in relation to action taken in comparable situations within the Division (or Department of Health and Human Services).

With regard to the disciplinary process, the Division of Child and Family Services will ask, as part of the review of proposed written reprimands, suspensions, demotions, and terminations, if there are current work performance standards and timely evaluations in place. Absent these elements, these types of disciplinary actions will not be considered without a valid explanation from the Deputy Administrator.

**NOTE:** This policy and the following procedures are guidelines for management in taking appropriate disciplinary action and do not establish additional rights or requirements beyond those provided in relevant statute and regulations. The guidelines provided here may be deviated from for good cause.

For the purpose of disciplinary actions, the Appointing Authority shall be defined as the Division Administrator or his/her designee. The Division Administrator reserves the right to approve/sign all disciplinary actions and Specificity of Charges as Appointing Authority but may delegate to other team members on a case-by-case basis.

**Any recommended disciplinary action or correction should detail the following elements:**

1. The precipitating incident/conduct/performance deficiencies;
2. The results of an investigation or other fact-finding;
3. The current status of the employee;
4. A summary of the employee service jacket (length of service, title of employee, evaluations on file);
5. List of corrective actions and progressive disciplinary steps taken (including any notification given to the employee about the problem and the behavior of the employee following previous discussions/warnings);
6. List of violations;
7. Precedent within the Division/work unit (Regional Personnel Analyst can assist with this information); and
8. Recommended action.

**B. DEFINITIONS/PROCESSES**

1. **Letter of Instruction:** Depending upon the circumstances and the severity of the offense, the initial step in correction is a Letter of Instruction. This tool is not considered discipline but is rather a method of instruction--a memorandum of understanding. The Regional Personnel Analyst must be contacted for guidance on completing this letter. No Letters of Instruction may be issued without the approval of the Human Resources Chief. A Letter of Instruction is maintained in the Agency personnel file but does not become part of the employee's official personnel record.
2. **Warning – may be oral or written:** If the behavior pattern does not improve after a Letter of Instruction, a verbal or written warning can be given in the privacy of a Supervisor's office. The Supervisor does not need approval for this level of discipline. Documentation of this event should be kept in the Supervisor's file and the Agency personnel file.
3. **Written Reprimand:** The third step in progressive discipline is a Written Reprimand. This document should be specific with regard to what transpired: any previous discussions, the letter of instruction, or details relating to the incident. A developmental plan for improvement or a

suggestion to seek assistance through the Employee Assistance Program (if appropriate) should also be included. This level of discipline is completed on a Written Reprimand form (NPD-52).

**The Regional Personnel Analyst must be contacted for guidance on completing the Written Reprimand form (NPD-52). No Written Reprimands may be issued without the approval of the Human Resources Chief.** After issuance, the NPD-42 is submitted to the Regional Personnel Analyst, who forwards it to the Human Resources Chief for signature and inclusion in the official personnel record at the Department of Personnel. This form can be found on the State Department of Personnel Web Site: <http://dop.nv.gov> under "Forms/Publications."

4. **Suspension:** The fourth step in progressive discipline is Suspension. A suspension may be without pay for a period of one (1) working day to thirty (30) calendar days. To affect a suspension, a Specificity of Charges form (NPD-41) must be used and issued to the employee. No Specificity of Charges may be issued without the approval of the Human Resources Chief. This form can be found on the State Department of Personnel Web Site: <http://dop.nv.gov> under "Forms/Publications."

Recommendation of a disciplinary action for a permanent, classified employee using this level requires adherence to the guidelines noted under the Specificity of Charges Section of this policy.

5. **Demotion:** The fifth step in progressive discipline is Demotion. A demotion is defined as a reduction in the class level the employee currently occupies. To affect a demotion, a Specificity of Charges form (NPD-41) must be used and issued to the employee. No Specificity of Charges may be issued without the approval of the Human Resources Chief. This form can be found on the State Department of Personnel Web Site: <http://dop.nv.gov> under "Forms/Publications."

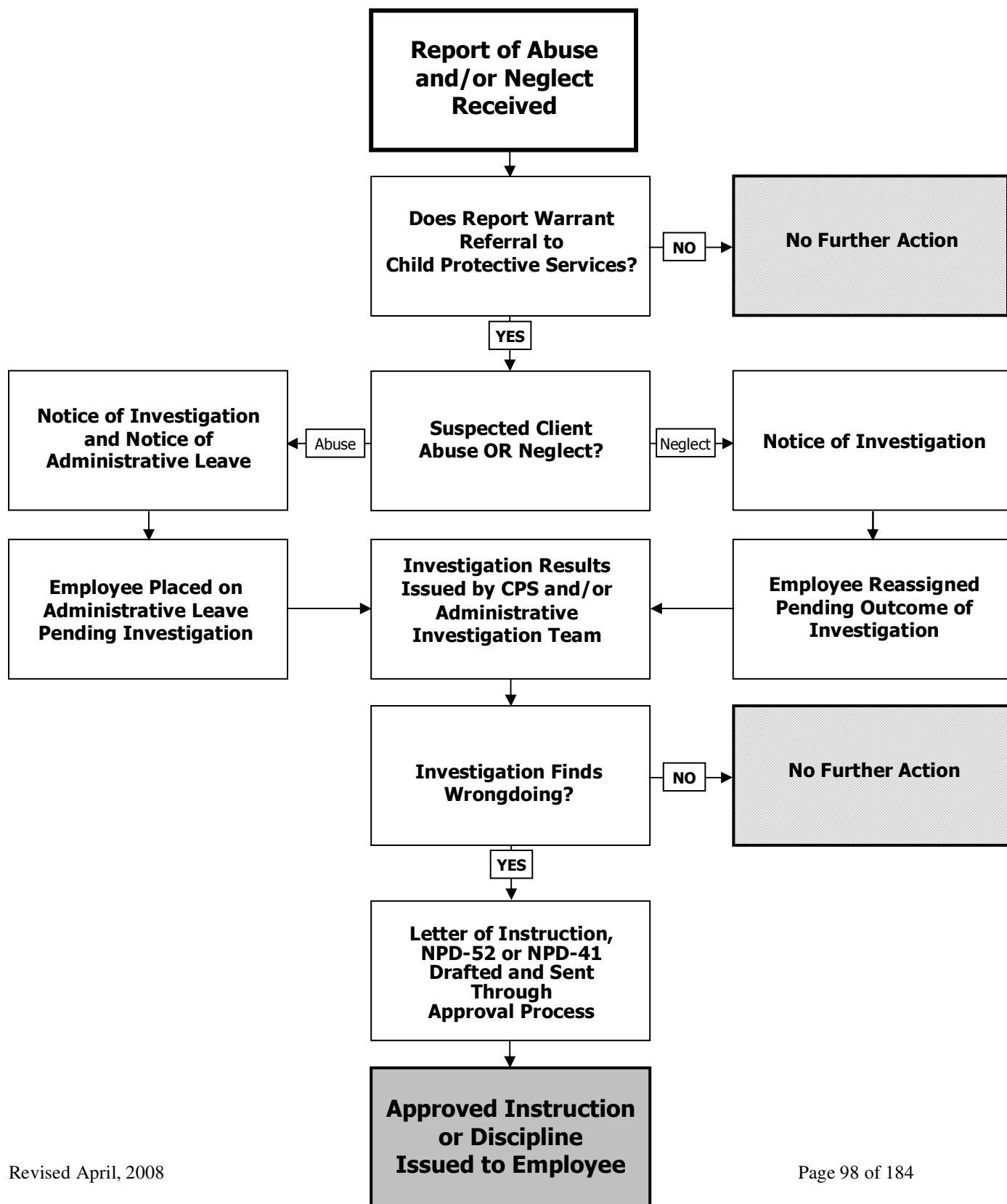
Recommendation of disciplinary action for a permanent, classified employee utilizing this level requires adherence to the guidelines noted under the Specificity of Charges Section of this policy.

6. **Dismissal:** The final step in progressive discipline is Dismissal. A dismissal is defined as termination of employment. To affect termination, a Specificity of Charges form (NPD-41) must be used and issued to the employee. No Specificity of Charges may be issued without the approval of the Human Resources Chief. This form can be found on the State Department of Personnel Web Site: <http://dop.nv.gov> under "Forms/Publications." Recommendation of disciplinary action for a permanent, classified employee using this level requires adherence to the guidelines noted under the Specificity of Charges Section of this policy.



**In the event a Child Protective Services (CPS) investigation substantiates abuse and/or neglect against a DCFS staff member, the Division of Child and Family Services will immediately, or as soon as is practicable, issue a Specificity of Charges and pursue termination. The Division will not tolerate abuse and/or neglect against the youth it serves.**

**230.7.05 INVESTIGATION PROCESS –  
ABUSE OR NEGLECT IN 24-HOUR FACILITIES**



## **230.7.1 DISCIPLINARY PROCESS FOR PERMANENT EMPLOYEES**

### **NOTE: THE CORRECTIVE ACTION & DISCIPLINARY PROCEDURES FOR PEACE OFFICERS IS CONTAINED IN SECTION 230.7.1.1.**

Whenever it is proposed that a permanent classified employee be demoted, suspended or dismissed, the following procedures shall be used unless waived in writing by the employee whose demotion, suspension or dismissal is proposed.

#### **A. DISCIPLINARY PROCESS PRIOR TO PRE-DISCIPLINARY HEARING**

1. Possible violation(s) occur.
2. Supervisor informs management and the Agency Human Resources Chief of incident and any known facts related to the incident.
3. Incident/matter is investigated, including taking a statement from the employee, pursuant to NRS 284.387 who may have committed violations of the Nevada Administrative Code (NAC) and/or Agency Prohibitions and Penalties (See Section 230.6.13 regarding investigations if applicable).
  - a. Supervisor or Agency designee obtains signed affidavits/statements from all witnesses, if applicable, as soon after the violations as possible. The Supervisor should review them to make sure they are specific as to who, what, when, where, witness, etc. This material will be used during the pre-disciplinary hearing process.
  - b. When circumstances are such that the Appointing Authority has reasonable cause to believe the retention of an employee in an active duty status poses a threat to life, limb or property or may be seriously detrimental to the interests of the State, it may be desirable to temporarily assign the employee to duties in which these circumstances will not exist or if this is not feasible:
    - 1) The employee should be immediately placed on administrative leave until disciplinary notice and hearing procedures as defined in NAC 284.656 are complete; or
    - 2) The employee should be immediately suspended or dismissed. In this case the Appointing Authority shall attempt to inform the employee before action is taken against him/her and provide the employee an

opportunity to rebut the charges.

4. The Manager or designee contacts the Agency Human Resources Chief to ascertain the appropriateness of completing a Specificity of Charges Form (NPD-41). If appropriate, the Manager drafts the NPD-41 for the Human Resources Chief's review.
5. The Human Resources Chief reviews the draft NPD-41, provides guidance and consultation. The Human Resources Chief must be involved in the preparation and/or review process before the documents, with attachments/exhibits, are forwarded to the Central Personnel Services Office. All employee information related to prior disciplinary actions and/or poor work performance must be forwarded with the NPD-41.

Each violation requires at least one (1) citation of the Nevada Administrative Code (NAC 284) and/or Prohibitions and Penalties violated, with a short statement indicating the date, time, place, act and witnesses, if any.

Since the review process of the documents may take a few days, proposed hearing and disciplinary dates can be used and modified later, if necessary.

- a. On the Specificity of Charges Form (NPD-41), the Manager should make a recommendation on the amount, the type of proposed disciplinary action, the basis for such a recommendation and sign under the violations and recommended action.
  - b. The recommended discipline should take into account: performance evaluations received, previous disciplinary actions related to the violation(s), efforts taken to correct the employee's work habits or behavior patterns, notification given to the employee about the problem, both orally and written, attendance and behavior of the employee following previous discussions/warnings about the problem, specific documented information from other persons about the incident or employee's problem, the penalties allowed under Prohibitions and Penalties and a reasonable penalty within the State's progressive discipline system.
6. If the Division Administrator concurs with the discipline, the proposed NPD-41 is forwarded through the "chain of command" for review purposes. The Agency Human Resources Chief coordinates with the Department's Human Resources Chief and the Agency's

Deputy Attorney General to determine the reasonableness of the proposed disciplinary action. The Human Resources Chief also determines the pre-disciplinary hearing information.

7. **NO** discussion of any proposed disciplinary action is to take place with the violating employee until all documents have been reviewed, approved, finalized, and provided to the employee.
8. The employee must be given at least ten (10) working days advance written notice of the proposed disciplinary action.
9. The pre-disciplinary hearing must be scheduled to take place no earlier than seven (7) working days after the written notice of the proposed action is delivered or deemed received (Monday through Friday - not employees' work days). The hearing should not be scheduled to take place on a day that is not a regularly scheduled working day for the employee.
10. The pre-disciplinary hearing waiver letter shall be given or mailed to the employee when the Specificity of Charges (NPD-41) is given to the employee.
11. A copy of the NPD-41 shall be given to the employee at this time. If the documents are being given to the employee in person, a witness should be present in case the employee refuses to sign for receipt of the documents, and the witness should certify same in the lower left-hand corner; otherwise, the employee should sign for receipt of the document in lower right-hand corner. The employee's signature does not constitute an admission of any of the allegations set forth in the notice.

If mailed, the documents shall be sent certified mail, return receipt requested, to the employee's last known mailing address. The date of the proposed disciplinary action should be adjusted by two to three (2-3) calendar days to allow for mail delivery, thereby giving the employee at least ten (10) days' notice, upon receipt of the document(s).

12. Employees may ask the Supervisor or Appointing Authority if there are any alternatives to the proposed disciplinary action. The only response to the question is that the proposed disciplinary action will be carried out if the Appointing Authority should so direct. The employee may be referred to the Human Resources Chief who can explain the alternatives, if any, without the matter being considered coercion.

**B. PROCESS DURING PRE-DISCIPLINARY HEARING FOR PERMANENT, CLASSIFIED EMPLOYEE**

1. The employee may waive his/her right to a hearing. If such a waiver is made in writing and signed by the employee, the employee may not be disciplined prior to the proposed effective date. Such a waiver does not waive the employee's right to a post-disciplinary appeal.
2. If the Appointing Authority or designated representative and the employee mutually agree, the hearing may take place on a day other than the scheduled hearing date.
3. The employee has the right to examine, prior to the hearing, all materials which will be used by the person conducting the pre-disciplinary hearing.
4. If the employee does not understand the reasons for the proposed discipline or the procedure, the employee may seek further explanation from the Appointing Authority or another person in the Agency familiar with disciplinary procedure.
5. The employee may respond both orally and in writing to the Appointing Authority or a designated representative at the hearing; such written material may include affidavits.
6. The Division's System Advocate will conduct the pre-disciplinary hearing. In this instance, the System Advocate has authority to recommend what final disciplinary action should be given the employee. The decision will be provided to the Appointing Authority verbally and will not be placed in writing.

In the event the System Advocate cannot conduct the hearing, the Agency's Human Resources Chief may be so designated. This process is an informal proceeding between two (2) parties, the Appointing Authority or his/her designated representative and the employee, who meet together to discuss the proposed action. Witnesses are not permitted to attend, but each party may be accompanied by a person of his/her choice.

**C. PROCESS AFTER PRE-DISCIPLINARY HEARING**

1. After the pre-disciplinary hearing has been completed OR the employee has waived the hearing, the Appointing Authority (via the Human Resources Chief) should prepare a letter to the employee, notifying him/her of the final disciplinary action. It is suggested that such notification be clear and brief, e.g., "In accordance with Nevada Administrative Code 284.656, this letter notifies you that you are

(suspended, demoted, terminated) as of (time and date)." The notification may be given to the employee with the employee signing for receipt OR the employee may be notified by certified mail, return receipt requested. The final determined disciplinary action notice/letter must be received by the employee on or before the proposed effective date indicated on the coversheet of the NPD-41.

2. It is the Appointing Authority's decision whether to place termination documents in the employee's personnel service jacket if an employee chooses to resign prior to the effective date of the disciplinary action.

#### **D. SAMPLE LETTERS**

##### **1. Waiver of Pre-Disciplinary Hearing**

DATE: \_\_\_\_\_

TO: \_\_\_\_\_  
(Appointing Authority)

FROM: \_\_\_\_\_  
(Employee's Name)

SUBJECT: WAIVER OF PRE-DISCIPLINARY HEARING

This letter is my notification to you that I wish to waive my right to a pre-disciplinary hearing. I understand that as a result of this waiver, the effective date of the proposed disciplinary action cannot be advanced.

I understand that my waiver of a pre-disciplinary hearing is neither an admission of my guilt nor does it give up any of my appeal rights under the statutes of the Nevada Administrative Code.

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
(Employee Signature)

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
(Witness)

## 2. Decision Letter to Continuing Employee

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
(Employee Name)

\_\_\_\_\_  
(Employee Mailing Address)

\_\_\_\_\_  
(Employee City and State)

Dear \_\_\_\_\_:  
(Employee Name)

Based on the information presented during the review phase of the proposed disciplinary action, the following disciplinary action has been determined to be in the best interest of the State of Nevada:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Effective Date: \_\_\_\_\_

\_\_\_\_\_  
Appointing Authority

\_\_\_\_\_  
Date Signed



### **230.7.1.1 CORRECTIVE ACTION & DISCIPLINARY PROCEDURES FOR PEACE OFFICERS**

#### **A. POLICY**

When a disciplinary action is being proposed for an employee of the Division of Child and Family Services who is a peace officer (youth parole and/or juvenile services staff), NRS 289.010 through 289.120 Rights of Peace Officers procedure will be followed, in addition to other relevant State and Division policies.

**NOTE:** This policy and the following procedures are guidelines to assist in the taking of appropriate corrective and disciplinary actions, and do not establish additional rights or requirements beyond those provided in relevant statute and regulations.

#### **References:**

- A. NRS 289.010 - 289.120
- B. Division of Child and Family Services *Personnel Policy and Procedure Manual*

#### **B. PROCEDURE**

The Agency shall, no later than forty-eight (48) hours before any interrogation or hearing is held relating to an investigation of the activities of a peace officer which may result in punitive action, provide written notice to the officer. The peace officer may waive this notice requirement. The notice must include:

1. A description of the nature of the investigation;
2. A summary of alleged misconduct of the peace officer;
3. The date, time and place of the interrogation or hearing;
4. The name and title (classification) of the investigator(s) who will be conducting the interrogation/hearing;
5. The name of any other person who will be present;
6. A statement of NRS 289.080.

The employee may upon request have two (2) representatives of his/her choosing present during any phase of the interrogation or hearing. These

representatives may include, but are not limited to, a lawyer, union representative, or other peace officer. The representatives must not otherwise be connected to, or the subject of, the same investigation.

The Agency shall interrogate the officer during his/her regular working hours, if reasonably practicable, or compensate the employee for that time based on his/her regular wages if no charges arise from the interrogation. The scope of questions during the interrogation or hearing is to be limited to the alleged misconduct of the employee.

The investigators must allow the employee to explain an answer or refute a negative implication which results from questioning during the interrogation/hearing. After the initial questioning of the peace officer has been concluded, a representative of the peace officer must also be allowed to explain an answer provided by the peace officer or refute a negative implication resulting from the questioning.

A stenographic, digital, or magnetic record of the interrogation/hearing may be made by the peace officer, any representative of the officer, or by the Agency. When the Agency records the proceedings, the Agency shall at the employee's request and expense provide a copy of the stenographic transcript of the proceedings or recording on digital or magnetic tape. If the peace officer appeals a disciplinary action resulting from the findings of the investigation, the peace officer may review and copy the entire investigation file, including without limitation, any recordings, notes, transcripts of interviews and documents contained in the file.

Immediately before the interrogation or hearing begins, the officer must be informed orally on the record that (1) he is required to provide a statement and answer questions related to his alleged misconduct; and (2) failure to provide such a statement or to answer any such questions may subject him to charges of insubordination.

Witnesses are also notified in writing and provided the date, time and place where the investigation will be held. They will be given the Internal Investigation Interview (Witness) form to read and sign before the investigation can begin.

Pursuant to NRS 289.057 (2) a law enforcement Agency shall not suspend a peace officer without pay during or pursuant to an investigation conducted until all investigations relating to the matter have concluded.

Any disciplinary action taken after the interrogation/hearing is finalized shall comply with current State statutes and DHHS and DCFS policies and procedures. The Agency shall consider positive corrective efforts such as counseling, training and special evaluations before taking disciplinary action.

Discipline is to be progressive in nature, except in extreme situations.

**C. PROCEDURES (FOR PERMANENT EMPLOYEES ONLY)**

1. The Deputy Administrator and/or Regional Personnel Analyst shall ensure compliance with the following:
  - a.. All employees must have current work performance standards and be evaluated on a regular basis in accordance with the Department of Personnel regulations.
  - b. Documentation of performance deficiencies and corrective efforts taken shall be maintained in the Agency personnel file. Peace officers must be given a copy of any comment or document placed in their personnel file or any other administrative file.
  - c. Documentation of any performance deficiency or other unfavorable comment may not be placed in the employee's personnel file or other administrative file until the employee has read and initialed the comment or document. If the peace officer refuses to initial the comment or document, a notation to that effect is to be noted on or attached to the comment or document.
  - d. The only documentation of an investigation that may be placed into a peace officer's personnel file is:
    - 1) a copy of the disposition if an allegation of misconduct is sustained, and
    - 2) a copy of the statement of adjudication of any disciplinary action taken against the peace officer.
  - e. All employees must be given a copy of the Department of Health and Human Services Prohibitions and Penalties and sign a statement acknowledging receipt at the time of hire and with any revision.
2. Causes for disciplinary actions are identified in the Department of Health and Human Services Prohibitions and Penalties, last approved by the Personnel Commission on April 27, 2001, and Nevada Administrative Code 284.650.
3. When disciplinary action is being proposed, the Supervisor, Deputy Administrator and the Regional Personnel Analyst shall consult with

the Division Human Resources Chief. This consultation may occur before or after the draft disciplinary document is prepared. Agency staff should be prepared to discuss the following items in connection with the proposed disciplinary action.

- a. Prior performance evaluations;
  - b. Previous disciplinary actions related to the problem;
  - c. Efforts taken to correct employee's work habits or behavior;
  - d. Notification given to employee about the problem (both verbally and written);
  - e. Attendance and attitude of employee following previous warning relative to the problem;
  - f. Documented information from other persons about the incident or employee problem.
4. When there is agreement to proceed to suspension, demotion, or termination, the Agency will consult with the appropriate deputy attorney general and draft an NPD-41 (Specificity of Charges). This document must be reviewed by the DAG and the Division Human Resources Chief, who will also review it with the Deputy Administrator and the Department of Health and Human Services' Deputy Director, Administrative Services.
  5. After the Agency has issued disciplinary action to a peace officer, that employee or his/her representative may, except as otherwise prohibited by federal or state law, review and copy any file maintained by the Agency related to the investigation, including any recordings, notes, transcripts of interviews and documents.

**D. PROCESS BEFORE PRE-DISCIPLINARY HEARING FOR PEACE OFFICER**

1. Unless waived by the employee, pre-disciplinary hearings for proposed suspension, demotions or dismissals are to be conducted prior to disciplinary action being taken against a permanent employee. The date, time, place and name of System Advocate Unit Manager is to be identified on the NPD-41. Accompanying the NPD-41 shall be a waiver letter for use by an employee wishing to waive his/her right to a pre-disciplinary hearing.

**E. PROCESS AFTER PRE-DISCIPLINARY HEARING FOR PEACE OFFICER**

1. Following the pre-disciplinary hearing, and prior to the proposed effective date of the action, the employee is to be given written notice from the Agency Administrator as to whether the proposed action will be upheld or changed. This notice will be attached to the original NPD-41.
2. If a disciplinary action is required to be removed from the Agency personnel file and/or the central records file, the Agency shall not, except as otherwise required by federal or state law, maintain or create a record of the investigation or the disciplinary action.

**230.7.2 DISCIPLINARY PROCESS FOR PROBATIONARY EMPLOYEES WITHOUT APPEAL RIGHTS**

During a probationary period, an employee may be rejected for any lawful reason. An employee rejected during his/her probationary period does not have appeal rights.

Every probationary employee must have a performance evaluation at the end of the 2<sup>nd</sup> and 5<sup>th</sup> months of employment if the probationary period is six (6) months, or at the end of the 3<sup>rd</sup>, 7<sup>th</sup> and 11<sup>th</sup> months of employment if the probationary period is twelve (12) months. If the evaluation is at the below standard rating, the employee should be given thirty (30) to sixty (60) days to improve. The probationary period is intended to allow the employee time to meet the standards of the position. In some cases, it may not be in the best interest of Nevada's children to allow an employee to continue through the steps of progressive discipline. In these cases, immediate action may be warranted.

Probationary employees without appeal rights will not be demoted, suspended or involuntarily transferred. If a probationary employee without appeal rights is to be disciplined (other than a verbal warning or written reprimand), termination is probably the most appropriate action.

If, for some reason, the Appointing Authority wishes to re-employ the terminated probationary employee (who has no appeal rights), the Administrator, Deputy Administrator, and Human Resources Chief must be consulted. It might be possible to re-employ the person at a lower level, which equates to a demotion. Any manner of rehiring would necessitate a new probationary period.

**A. DISCIPLINE/DISMISSAL PROCESS FOR PROBATIONARY EMPLOYEES**

1. Possible violations occur.

2. Incident/matter is investigated, including taking a statement from the employee who may have committed violations of the Nevada Administrative Code (NAC) or Agency Prohibitions and Penalties. (Please see investigations process detailed in Section 230.6.13).
3. Supervisor obtains signed affidavits/statements from all witnesses, if applicable, as soon after the violations as possible.
4. The Supervisor or Manager will complete a written chronology (detailing the timeline and any known facts relating to the incident) and a memorandum recommending 'rejection from probation' to the Regional Personnel Analyst. The Regional Personnel Analyst can assist in preparation of this documentation, if necessary. These items will be filed as supportive evidence to the termination action. The Regional Personnel Analyst will provide this information to the DCFS Human Resources Chief for approval. The Administrator, Deputy Administrator and Human Resources Chief will determine the appropriate action including rejection from probation or restoration to former position.
5. Upon approval of the material submitted, the Appointing Authority or designee provides employee with the probationary termination letter. The employee should **only** be told the Agency is exercising its right to reject the employee from probation.
6. When circumstances are such that the Appointing Authority has reasonable cause to believe the retention of an employee in an active duty status poses a threat to life, limb or property or may be seriously detrimental to the interests of the State, immediate termination is indicated.

**THE CENTRAL DCFS PERSONNEL SERVICES OFFICE  
SHOULD BE CONTACTED IMMEDIATELY.**

7. The Regional Personnel Analyst will prepare a draft termination letter for the Human Resources Chief to review and approve. When this approval is received, the Supervisor will present the termination letter to the employee. The Personnel Analyst will also make a copy of this letter for the Human Resources Chief, the Agency personnel file, and the employee's permanent record with the Department of Personnel.
8. The immediate Supervisor is responsible for terminating the employee and will select the most appropriate time of the day to take this action (normally the end of his/her shift). An appropriate witness must be present (someone at the same or higher classification as the

Supervisor) and office keys and ID cards should be collected. An immediate Supervisor should also accompany the employee to his/her workstation and remain there (for the removal of personal items) until the employee exits the building.

It is up to the Appointing Authority to decide whether or not to place the termination documents in the employee's personnel service jacket if the employee chooses to resign prior to date of termination.

**B. TERMINATION LETTER TO PROBATIONARY EMPLOYEES  
OR TRIAL PERIOD EMPLOYEES WITHOUT APPEAL RIGHTS**

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
(Employee Name)

\_\_\_\_\_  
(Employee Mailing Address)

\_\_\_\_\_  
(Employee's City and State)

Dear \_\_\_\_\_:  
(Employee's Name)

Pursuant to NAC 284.458, you have failed to attain permanent status with the State of Nevada, Department of Human Resource, Division of Child and Family Services. Effective \_\_\_\_\_ you are being rejected from probation. An employee rejected pursuant to this subsection has no appeal rights.

Please contact the DCFS Personnel Services Office (775-684-4406) to discuss eligibility for payment of any unused annual leave (if eligible), compensatory time and salary due.

pc: Agency Personnel File  
State Personnel Service Jacket  
Health and Human Services Human Resources Chief

\_\_\_\_\_  
(Appointing Authority)

\_\_\_\_\_  
(Title)

### **230.7.3 POLYGRAPH PROCEDURE**

Polygraph examinations shall only be used in situations where the Appointing Authority determines an employee's prior answers, in a critical area under investigation, must be subjected to a dependability test. The Attorney General's Office has advised that case law indicates that the submission to a polygraph examination by a public employee as a condition of continued employment has primarily been restricted to Peace Officers, Customs Agents and others directly involved in public health and safety (public health and safety has been interpreted to mean some Mental Health Technicians).

If the Agency has determined this employment criteria has been met, the Appointing Authority must secure verbal approval from two (2) offices - the Division Administrator and Director's Office before the Agency can authorize such administration. If a public Agency's investigative branch or a law enforcement Agency has determined the polygraph must be given to some Agency staff members, that conclusion is outside of this Department's jurisdiction, but the above two (2) offices must be notified of the proposed usage. The Agency's Deputy Attorney General must be consulted about the investigation and concur with any decision by a member of this Department on the usage of the polygraph.

1. If a polygraph examination has been approved, the procedure should be discussed with the Agency's Deputy Attorney General.
2. Special polygraph letters should be used if an employee refuses to submit to an authorized polygraph examination. (The Agency Human Resources Chief should be contacted.)

### **230.7.4 PROTOCOL FOR HANDLING AN ALLEGATION OF EMPLOYEE MISCONDUCT POTENTIALLY CRIMINAL IN NATURE**

If a Supervisor is apprised of employee misconduct which is or has the potential for criminal prosecution (i.e., embezzlement, theft, fraud) or civil litigation (i.e., physical altercation with a client), the Supervisor shall contact the appropriate Deputy Administrator within fifteen (15) minutes with the details of the episode and take necessary steps to ensure the safety of any youth or employee involved.

The Deputy Administrator shall then within fifteen (15) minutes contact the Administrator.

The Administrator will contact the Deputy Attorney General for advice on how to proceed, involve the Human Resources Chief and any other person/party with a need to know.



The basis for this protocol is

1. To protect any and all evidence;
2. To ensure any investigatory activities are pursued appropriately; and
3. To allow the Administrator to respond to the press when appropriate.

The course of action taken beyond notification of the Manager and Administrator will be handled on a case-by-case basis.

## **230.7.45 FIREARMS AND WEAPONS PROHIBITIONS**

### **A. POLICY**

No employee of the Youth Parole Bureau shall possess a firearm while on duty, while performing any work related to employment by the Youth Parole Bureau, or at any time while on the premises of any Juvenile Services office or program, or while a passenger or operator of any vehicle owned by State Motor Pool or the Youth Parole Bureau.

### **B. DEFINITIONS:**

1. A “firearm” is defined as set forth in NRS 202.253 (2);
2. “Motor Pool” vehicles are those vehicles belonging to the Agency set forth in NRS Chapter 336.
3. “Youth Parole Vehicles” means all other vehicles, other than those defined as “Motor Pool” vehicles assigned to Youth Parole personnel, which are used in the performance of the duties and responsibilities of Youth Parole personnel, and includes travel to and from places of work, all Juvenile Services offices and programs and private residences if the vehicles are designated to be stored at the residences of Youth Parole personnel.

### **C. PURPOSE**

To clearly inform Youth Parole employees that all Youth Parole Bureau personnel, whether POST certified Peace Officers or not, are **prohibited** from possessing firearms while on duty, performing any work related to employment by the Youth Parole Bureau, while on the premises of any Juvenile Services office or program or while operating any vehicle owned by State Motor Pool or the Youth Parole Bureau.

Carrying and/or possessing firearms while on duty is against State policy as outlined in the Prohibitions and Penalties in *Personnel Policy and Procedure Manual* Section 230.8.10. The unauthorized carrying of a gun or weapon at any time while performing State duties is considered an act of misconduct or an incompatible activity and could result in disciplinary action ranging from a written reprimand to dismissal.

#### **D. PROCEDURES**

There are no exceptions to the prohibition of possessing firearms as set forth above under “POLICY and in the Division of Child and Family Services’ *Personnel Policy and Procedure Manual*, Section 230.8.10.”

### **230.7.5 WORKPLACE VIOLENCE**

The State of Nevada is committed to working with its employees to provide and maintain a work environment free from violence, threats of violence, harassment, intimidation, and other disruptive behavior. Workplace violence issues may arise from clients or customers, random acts from outside individuals or groups that are generally directed against the Agency with or without apparent reason, from current or former employees, or from personal relationships such as a former spouse or partner, a relative or a friend.

#### **A. TERMS**

- 1. Acts of Workplace Violence:** In general, acts of workplace violence include doing, causing or threatening to cause bodily injury, or damage to the property of another person or substantial harm to the physical or mental health or safety of a person. Threats include expressing intentions that would cause a reasonable person to feel frightened, intimidated or harassed.

Examples of acts of workplace violence include, but are not limited to: striking, shoving or kicking another person; intentional physical injury; intentional or reckless damage to another’s property; intimidating or menacing behavior; shouting abuse; threats to cause harm or damage; and/or reckless conduct that creates risk of serious injury.

- 2. Workplace:** The “workplace” is defined as any location, either permanent or temporary, where an employee performs any work-related duty. This includes, but is not limited to, the buildings and the surrounding perimeters and parking lots, field locations, and clients’ homes or businesses.

Violence can also be committed outside the workplace but while the employee is performing a job-related function.

3. **Division Assessment Team:** The Division Assessment Team consists of a group of individuals who are designated by the Division Administrator, on a permanent or *ad hoc* basis, to assist in implementation of specific aspects of the Division's Workplace Violence Prevention Program. Individuals on the team may include members of the Division's safety committees.

## **B. DIVISION ADMINISTRATOR'S RESPONSIBILITIES**

1. Adopt and communicate the Workplace Violence Prevention Policy and promote a work environment free from violence.
2. Ensure implementation and support of the Workplace Violence Prevention Policy and Program within their Division.
3. In formulating the prevention and response aspects of the Workplace Violence Prevention Program, give special attention to positions which involve the following: exchange of money with the public; working alone or in small numbers; working late at night or early in the morning hours; working in a high crime area; guarding valuable property or possessions; working in a community or institutional setting.
4. Appoint staff members to a Division Assessment Team.
5. Take appropriate action to respond to reported incidents of workplace violence.
6. Refer to "Guidelines for Responding to Employee Threats of Workplace Violence," as prepared by the State of Nevada, Risk Management Division ([www.risk.state.nv.us](http://www.risk.state.nv.us)).

## **C. EMPLOYEE'S RESPONSIBILITIES**

1. Immediately report acts of workplace violence he/she observes or experiences to his/her Supervisor, Manager, or designated Agency representative.
2. An employee who is experiencing threats of violence from a domestic partner or other non-work related relationship that may carry over to the workplace is also encouraged to report this to his/her Supervisor, Manager, or designated Agency representative so a plan of action to minimize risk to the employee and others during working hours may

be developed.

3. Notify his/her Supervisor if he/she has prior knowledge of an encounter expected to occur while in work status with a potentially aggressive individual.

**D. SUPERVISOR'S RESPONSIBILITIES**

1. Work in concert with the Division Administrator to promote a work environment free from violence.
2. Initiate notification procedures to the Division Administrator and document incident as outlined in Section VI of this program.
3. Take appropriate action to respond to reported incidents of workplace violence.
4. Refer to Guidelines for Responding to Employee Threats of Workplace Violence prepared by the Risk Management Division.

**E. DIVISION ASSESSMENT TEAM'S RESPONSIBILITIES**

1. Participate in assessment and prevention activities as outlined in Section G of this program.
2. Recommend actions to the Division Administrator to reduce the Division's vulnerability to acts of workplace violence or, in response to acts of workplace violence, recommend actions to prevent similar incidents from occurring.
3. May be requested by the Division Administrator to assist in an investigation of an act of workplace violence.
4. May be requested by the Division Administrator to assist in determining an appropriate course of action in response to an act of workplace violence.

**F. INCIDENT REPORTING AND INVESTIGATION**

An employee who observes or experiences an act of workplace violence must report the incident to his/her Supervisor, Manager or designated Agency representative immediately. The person who receives the report must initiate appropriate action to respond to the incident and must report the incident to his/her next higher Supervisor/Manager. The Supervisor/Manager, in turn, must notify the Division Administrator or the person designated by the Administrator to serve in his/her stead.

As noted in the Guidelines for Responding to Employee Threats of Workplace Violence, if there is a direct and imminent threat of violence, call 9-911 or other appropriate law enforcement entity and, if appropriate, evacuate the work area. If a crisis situation arises, the highest Division official available at the time must be called into the situation to implement appropriate intervention.

As warranted by the incident, the Division Administrator or his/her designee is responsible for reporting the incident to the Capitol Police or the local law enforcement Agency, if they have not been called, and for providing written documentation of the incident. The law enforcement Agency will conduct further investigation and coordination with other agencies as necessary.

The Division Administrator or his/her designee is responsible for contacting the Attorney General's Office or the Risk Management Division if their assistance is required. The Capitol Police is the responsible Agency for further investigation and coordination with a local law enforcement Agency, the Attorney General's Office and the Risk Management Division if the incident occurs in a State building for which the Capitol Police provides security.

The Attorney General's Office is responsible for investigating and prosecuting criminal offenses committed by State employees in the course of their duties or arising out of circumstances related to their positions.

A workplace violence incident report must be completed by the Supervisor/Manager or Division designee for each incident reported to him/her and must be submitted to the Division Administrator no later than the next working day after the incident was reported. Statements from witnesses should be collected, as appropriate.

The Division Administrator or his/her designee is responsible to ensure the incident is investigated by the Supervisor/Manager. The Division Administrator may choose to assign a member of the Division Assessment Team to assist in the investigation.

Unless otherwise precluded, a copy of the incident report must be submitted by the Division Administrator to the Risk Management Division and to the Division Safety Coordinator within five (5) working days after receipt of the report. Incidents involving Division personnel or clients will be handled in accordance with applicable laws, policies and procedures that may preclude dissemination of confidential information to the Risk Management Division or the Division Safety Coordinator.

## **G. ASSESSMENT AND PREVENTION ACTIVITIES**

The Division Assessment Team, appointed by the Division Administrator, assists in the assessment of the vulnerability of the Division and its offices to workplace violence, recommends preventive actions and identifies training needs.

Activities to assess vulnerability to workplace violence may include the following:

- Review previous acts of workplace violence at work locations throughout the State.
- Review and analyze existing records (e.g., past incident reports, worker's compensation records, accident investigations, safety committee meeting minutes) to identifying patterns that may indicate the causes and severity of incidents.
- Inspect the workplace and review the work tasks of employees to identify conditions, facility layout, operational procedures, and other factors that may place employees at risk for acts of workplace violence.
- Conduct post-incident reviews and discuss the causes of acts of workplace violence.
- In addition, the team must survey employees, at least biennially, to identify the potential for acts of workplace violence and identify security measures, which are in place.
- Based on the activities conducted, the Division Assessment Team will prepare written recommendations and provide those recommendations to the Division Administrator for consideration.

## **H. TRAINING AND COMMUNICATION**

At the time of appointment, each employee must be provided with a copy of the Division's Workplace Violence Prevention Policy. Divisions may also include a poster on their office bulletin boards that communicates provisions of the policy, including the persons to whom the employee can report acts of workplace violence.

The Risk Management Division of the Department of Administration offers periodic training classes regarding workplace violence prevention. A schedule of these classes is available on the Risk Management Division's website: <http://risk.state.nv.us/trngschedule.pdf>). Supervisory personnel from each Division location should be scheduled to attend training on this topic.

Training regarding the Division's specific policies and procedures and training regarding the use of security hardware, if applicable, should be provided to each employee. This may include initial orientation, periodic refresher training, on-the-job training, or formal training provided or coordinated by a safety coordinator, safety committee or training coordinator. Specialized training is appropriate for employees in certain positions that may place them at a higher risk for acts of workplace violence.

#### **I. FITNESS FOR DUTY EVALUATION**

If a Supervisor/Manager determines that an employee may have a medical or psychological condition that could result in a direct physical threat or other liability to himself / herself, a co-worker or the public, the Risk Management Division can coordinate a fitness for duty evaluation in accordance with Section 0521(8) of the State Administrative Manual (SAM). Notification must be made by the Supervisor/Manager to the Division Administrator or the Division Administrator's designee of the reasons substantiating the request.

The Division Regional Personnel Analyst will make the necessary arrangements with the Risk Management Division. Procedures related to requesting a fitness for duty examination include providing a detailed explanation of the facts and circumstances precipitating the request and copies of documents that support the request.

#### **J. PROGRAM ASSISTANCE/AUDIT**

The Risk Management Division is available to review and assist with the development of the Workplace Violence Prevention Program. Sample forms to use in program development are available at its website ([www.risk.state.nv.us](http://www.risk.state.nv.us)). The Risk Management Division will periodically audit Division programs.

## 230.8 INCOMPATIBLE ACTIVITIES AND PROHIBITIONS AND PENALTIES (Approved by the Personnel Commission April 27, 2001)

The following is a guide for employees of the Department of Health and Human Services identifying those activities which will be considered inconsistent, incompatible, or in conflict with their duties as employees and will be cause for disciplinary action. In compliance with the Nevada Administrative Code 284.742, it is meant as a supplement and does not attempt to cover all possible violations of the existing rules, nor does it preclude other prohibitions and penalties as contained in the Nevada Administrative Code. It is to be used to assist the Supervisor in taking appropriate corrective disciplinary action. The extent of progressive discipline will be at the discretion of the Appointing Authority and should be in proportion to the seriousness of the offense.

### 230.8.1 CODE DESCRIPTION

- |    |            |   |   |
|----|------------|---|---|
| 1. | Warning    | – | May be oral or written.   |
| 2. | Reprimand  | – | Written. Use Form NPD-52.   |
| 3. | Suspension | – | May be for a period of from one (1) working day to thirty (30) <u>calendar</u> days. (Use Form NPD-41.) |
| 4. | Demotion   | – | Reduction in the class level the employee currently occupies. (Use Form NPD-41.)                        |
| 5. | Dismissal  | – | Termination. (Use Form NPD-41)  |

If a Supervisor recommends disciplinary action of a permanent classified employee to codes 3, 4 or 5 above, the pre-disciplinary hearing guidelines **must** be followed.

### 230.8.2 FRAUD IN SECURING APPOINTMENT

|    |   | <u>1st<br/>OFFENSE</u> | <u>2nd<br/>OFFENSE</u> | <u>3rd<br/>OFFENSE</u> |
|----|---|------------------------|------------------------|------------------------|
| 1. | Willful falsification of application for employment or other personal records with respect to a material point which would have adversely affected selection for appointment. | 5.....                 | .....                  | .....                  |
| 2. | Permitting another person to take a portion of a State Civil Service examination for him/her, except when approved due to disability such as blindness.                       | 5.....                 | .....                  | .....                  |



**230.8.3 PERFORMANCE ON THE JOB**

|    |  | <b><u>1st<br/>OFFENSE</u></b> | <b><u>2nd<br/>OFFENSE</u></b> | <b><u>3rd<br/>OFFENSE</u></b> |
|----|--|-------------------------------|-------------------------------|-------------------------------|
| 1. | Failure of an employee, who is designated as a Supervisor to fulfill his/her supervisory responsibilities, including but not limited to taking corrective disciplinary action where such action is needed, preparing timely reports of performance and accounting for employees' time. | 1,2....                       | 2,3....                       | 4,5....                       |
| 2. | Misconduct of Supervisor because of prejudice, anger or other unjustifiable reason.  | 1,2,3,4                       | 2,3,4,5                       | 4,5....                       |
| 3. | Failure of employee to maintain performance standards after reasonable period of instruction.  | 1,2,3..                       | 2,3....                       | 4,5....                       |
| 4. | Failure to maintain prescribed records.  | 1,2,3..                       | 2,3,4,5                       | 5.....                        |
| 5. | Willfully withholding or concealing information regarding his/her job from official records or from Supervisors or other persons having necessity for said information.  | 2,3,4,5                       | 3,4,5..                       | 5.....                        |
| 6. | Negligent failure to disclose information related to job duties from official records or from Supervisors or other persons having necessity for said information.  | 1,2,3..                       | 3,4,5..                       | 5.....                        |
| 7. | Endangering self, fellow employees, clients or public through careless or willful violation of Agency policy as contained in performance standards, procedures and various federal and state laws, regulations and guidelines.   | 2,3,4,5                       | 3,4,5..                       | 5.....                        |
| 8. | Failure to cooperate with other employees and/or Supervisors.  | 1,2,3..                       | 2,3,4,5                       | 5.....                        |

|     |   | <b><u>1st<br/>OFFENSE</u></b> | <b><u>2nd<br/>OFFENSE</u></b> | <b><u>3rd<br/>OFFENSE</u></b> |
|-----|---|-------------------------------|-------------------------------|-------------------------------|
| 9.  | Failure to properly account for state or federal funds where it is a known requirement of the position.   | 2,3,4,5                       | 3,4,5..                       | 5.....                        |
| 10. | Negligent waste or loss of material, property or equipment.   | 1,2,3..                       | 2,3,4,5                       | 4,5....                       |
| 11. | Willful destruction of or damage to State property.   | 2,3,4,5                       | 3,4,5..                       | 5.....                        |
| 12. | Negligent destruction of or damage to State property.   | 1,2,3..                       | 3,4,5..                       | 5.....                        |
| 13. | Negligent destruction of State records.   | 1,2,3,4                       | 3,4,5..                       | 5.....                        |
| 14. | Willful and unauthorized destruction of State records.  | 2,3,4,5                       | 3,4,5..                       | 5.....                        |
| 15. | Soliciting or accepting a bribe for activities related to the employee's State employment.  | 5.....                        | .....                         | .....                         |
| 16. | Embezzlement or misappropriation of State funds or of other funds for personal gain which come into the employee's possession by reason of his/her official position. | 5.....                        | .....                         | .....                         |
| 17. | Willful falsification of any public record, including timesheets, travel vouchers and/or information in client or Agency files.                                       | 2,3,4,5                       | 5.....                        | .....                         |
| 18. | Negligent falsification of any public record, including timesheets, travel vouchers and/or information in client or Agency files.                                     | 1,2,3,4                       | 3,4,5..                       | 5.....                        |
| 19. | Willful falsification of any public record that involves misuse of state or federal funds.  | 2,3,4,5                       | 5.....                        | .....                         |

|     |   | <b><u>1st<br/>OFFENSE</u></b> | <b><u>2nd<br/>OFFENSE</u></b> | <b><u>3rd<br/>OFFENSE</u></b> |
|-----|---|-------------------------------|-------------------------------|-------------------------------|
| 20. | Unauthorized taking or using property belonging to the state/federal government or other employees.   | 2,3,4,5                       | 5.....                        | .....                         |
| 21. | Making personal profit from State transactions.   | 2,3,4,5                       | 5.....                        | .....                         |
| 22. | Deliberate failure to enforce or comply with laws and/or Agency policies and regulations which directly relate to the employee's work activities. | 2,3,4,5                       | 5.....                        | .....                         |

#### **230.8.4 NEGLECT OF, OR INEXCUSABLE ABSENCE FROM THE JOB**

|    |  | <b><u>1st<br/>OFFENSE</u></b> | <b><u>2nd<br/>OFFENSE</u></b> | <b><u>3rd<br/>OFFENSE</u></b> |
|----|--|-------------------------------|-------------------------------|-------------------------------|
| 1. | Negligence in performing official duties including failure to follow instructions or regulations.    | 1,2,3..                       | 2,3,4,5                       | 3,4,5..                       |
| 2. | "Loafing" on the job; wasting time; failure to put in a full days work.                              | 1,2,3..                       | 2,3,4,5                       | 3,4,5..                       |
| 3. | Failure to notify Supervisor promptly when unable to report for work.                                | 1,2,3..                       | 2,3,4,5                       | 3,4,5..                       |
| 4. | Failure to report to work at specified times and in the prescribed manner.                           | 1,2,3..                       | 2,3,4,5                       | 3,4,5..                       |
| 5. | Carrying on personal business during working hours.  | 1,2,3..                       | 2,3,4,5                       | 3,4,5..                       |
| 6. | Continual or frequent tardiness.   | 1,2,3..                       | 2,3,4,5                       | 3,4,5..                       |
| 7. | Absence from duty without permission or without adequate justification.                              | 1,2,3..                       | 3,4,5..                       | 5.....                        |
| 8. | Willful absence from duty without permission after having been denied permission to take such leave. | 3,4,5..                       | 5.....                        | .....                         |

|     |   | <b><u>1st<br/>OFFENSE</u></b> | <b><u>2nd<br/>OFFENSE</u></b> | <b><u>3rd<br/>OFFENSE</u></b> |
|-----|---|-------------------------------|-------------------------------|-------------------------------|
| 9.  | Use of sick leave for a reason not authorized by NAC 284.554.   | 2,3,4..                       | 5.....                        | .....                         |
| 10. | Failure to call in or report to work for three or more consecutive workdays without permission and without justification. | 5.....                        | .....                         | .....                         |

## **230.8.5 RELATIONS WITH CLIENTS**

|    |   | <b><u>1st<br/>OFFENSE</u></b> | <b><u>2nd<br/>OFFENSE</u></b> | <b><u>3rd<br/>OFFENSE</u></b> |
|----|---|-------------------------------|-------------------------------|-------------------------------|
| 1. | Willfully abridging or denying the rights of a client as specified in NRS or Agency policy.   | 2,3,4,5                       | 3,4,5..                       | 5.....                        |
| 2. | Negligently abridging or denying the rights of a client as specified in NRS or Agency policy.   | 1,2,3,4                       | 3,4,5..                       | 5.....                        |
| 3. | Borrowing items from a client, selling to or trading items with a client or entering into a transaction with a client involving the transfer of a client's property for personal use or gain.             | 2,3,4,5                       | 3,4,5..                       | 5.....                        |
| 4. | Entering into a romantic or sexual relationship with any client of the employee's Agency, facility or program when said employee is involved in the care, treatment or delivery of service to the client. | 2,3,4,5                       | 3,4,5..                       | .....                         |
| 5. | Using insulting, intimidating or abusive language to clients, neglecting clients, threatening or causing bodily harm to clients.  | 3,4,5..                       | 5.....                        | .....                         |

|     |   | <b><u>1st<br/>OFFENSE</u></b> | <b><u>2nd<br/>OFFENSE</u></b> | <b><u>3rd<br/>OFFENSE</u></b> |
|-----|---|-------------------------------|-------------------------------|-------------------------------|
| 6.  | Having personal or business relationships with program participants, grantees or licensees for the purpose of, or which results in, any Departmental program advantages, considerations or benefits to either party which exceeds normal entitlement.   | 2,3,4,5                       | 3,4,5..                       | 5.....                        |
| 7.  | Soliciting clients and/or Agency contacts for the establishment or maintenance of a private professional practice similar to his/her work activities.   | 2,3,4,5                       | 3,4,5..                       | 5.....                        |
| 8.  | Any willful or reckless act of aggression directed towards a client, including, but not limited to, sexual exploitation of a client; grabbing, pushing, tripping, hitting or striking a client in any manner; or willful misuse of physical or chemical restraints not in accordance with an approved treatment plan or in violation of state or federal law. | 5.....                        |                               |                               |
| 9.  | Any act or omission to act which causes mental or physical injury to a client or which places the client at risk of injury, including but not limited to the failure to: establish or carry out an appropriate plan of treatment for the client; provide the client required health care; provide a safe environment.   | 3,4,5..                       | 5.....                        |                               |
| 10. | Failure to report suspected denial of client rights, client abuse or neglect.   | 2,3,4, 5                      | 5.....                        |                               |
| 11. | Failure of an employee as mandated by law in his/her professional or occupational capacity to report child or elder abuse.  | 3,4,5..                       | 5.....                        |                               |

**230.8.6 RELATIONS WITH SUPERVISORS, FELLOW EMPLOYEES OR THE PUBLIC**

|    |   | <b><u>1st<br/>OFFENSE</u></b> | <b><u>2nd<br/>OFFENSE</u></b> | <b><u>3rd<br/>OFFENSE</u></b> |
|----|---|-------------------------------|-------------------------------|-------------------------------|
| 1. | Refusal to comply with a reasonable and proper order or instruction from a Supervisor.  | 2,3,4,5                       | 3,4,5..                       | 5.....                        |
| 2. | Threatening, stalking, intimidating, attempting, or doing bodily harm to Supervisor, public or fellow employee; or using insulting, intimidating or abusive language or conduct to Supervisor, public or fellow employee. | 2,3,4,5                       | 3,4,5..                       | 5.....                        |
| 3. | Discourteous treatment of the public or a fellow employee.  | 1,2,3,4,5                     | 2,3,4,5                       | 3,4,5..                       |

**230.8.7 USE OF ALCOHOLIC BEVERAGES, NARCOTICS OR HABIT FORMING DRUGS**

|    |   | <b><u>1st<br/>OFFENSE</u></b> | <b><u>2nd<br/>OFFENSE</u></b> | <b><u>3rd<br/>OFFENSE</u></b> |
|----|---|-------------------------------|-------------------------------|-------------------------------|
| 1. | While on duty, consuming or being under the influence of alcohol, narcotics, drugs or other controlled substances unless prescribed by a physician.   | 3,4,5..                       | 4,5....                       | 5.....                        |
| 2. | Convicted of driving under the influence as enumerated in NRS 484.379 or an offense where driving under the influence is an element, while driving a State vehicle at anytime or a privately owned vehicle on State business. | 3,4,5..                       | 5.....                        | .....                         |
| 3. | Drinking alcohol or taking any controlled substance during working hours unless in accordance with a prescription issued by a physician, podiatrist or dentist.   | 2,3,4,5                       | 3,4,5..                       | 5.....                        |

|    |   | <b><u>1st<br/>OFFENSE</u></b> | <b><u>2nd<br/>OFFENSE</u></b> | <b><u>3rd<br/>OFFENSE</u></b> |
|----|---|-------------------------------|-------------------------------|-------------------------------|
| 4. | Bringing alcohol or controlled substances onto any Agency grounds or any buildings occupied by clients (except employee's locked vehicle parked in a parking lot).  | 3,4,5..                       | 5.....                        | .....                         |
| 5. | Selling, giving or otherwise providing clients or staff with intoxicating beverages, drugs or any controlled substances during working hours unless specifically authorized to do so.   | 3,4,5..                       | 5.....                        | .....                         |
| 6. | Refusal to submit to a screening test for alcohol or drugs when the Appointing Authority has a reasonable belief, based on objective facts, the employee is under the influence of alcohol and/or a controlled substance while on duty. | 5.....                        |                               |                               |

#### **230.8.8 MISUSE OF STATE PROPERTY**

|    |   | <b><u>1st<br/>OFFENSE</u></b> | <b><u>2nd<br/>OFFENSE</u></b> | <b><u>3rd<br/>OFFENSE</u></b> |
|----|---|-------------------------------|-------------------------------|-------------------------------|
| 1. | Unauthorized use of State-owned or leased equipment.  | 1,2,3,4,5                     | 3,4,5..                       | 5.....                        |
| 2. | Operating State vehicle in negligent manner resulting in damage to the State equipment or other property.                                     | 1,2,3,4,5                     | 2,3,4,5                       | 5.....                        |
| 3. | Failure to have State equipment, which is used as part of the employee's activities properly, serviced, resulting in damage to the equipment. | 1,2,3..                       | 2,3,4,5                       | 5.....                        |
| 4. | Operating State equipment without proper authorization or credentials.  | 2,3,4,5                       | 5.....                        | .....                         |

|    |  | <b><u>1st<br/>OFFENSE</u></b> | <b><u>2nd<br/>OFFENSE</u></b> | <b><u>3rd<br/>OFFENSE</u></b> |
|----|--|-------------------------------|-------------------------------|-------------------------------|
| 5. | Negligently leaving State equipment or machinery which results in damage to the equipment or other property. | 1,2,3,4,5                     | 3,4,5..                       | 5.....                        |

#### **230.8.9 MISUSE OF INFORMATION TECHNOLOGY**

|    |   | <b><u>1st<br/>OFFENSE</u></b> | <b><u>2nd<br/>OFFENSE</u></b> | <b><u>3rd<br/>OFFENSE</u></b> |
|----|---|-------------------------------|-------------------------------|-------------------------------|
| 1. | Accessing or communicating data not pertaining to official job duties without authorization.  | 1,2,3,4                       | 2,3,4,5                       | 5.....                        |
| 2. | Revealing passwords or using another person's user identification and/or password to allow access to confidential information for unauthorized purposes.  | 2,3,4..                       | 3,4....                       | 5.....                        |
| 3. | Installing or using personal or unauthorized software on State information technology resources without proper authorization and approval.  | 2,3,4..                       | 3,4....                       | 5.....                        |
| 4. | Making unauthorized copies such as books, manuals and computer software in violation of copyright laws or vendor licensing agreement.   | 2,3,4,5                       | 3,4,5..                       | 5.....                        |
| 5. | Using State information technology resources, including but not limited to computing and communications equipment, services or facilities for soliciting business, selling products or otherwise engaging in commercial activities. | 2,3,4,5                       | 3,4,5..                       | 5.....                        |



|    |  | <b><u>1st<br/>OFFENSE</u></b> | <b><u>2nd<br/>OFFENSE</u></b> | <b><u>3rd<br/>OFFENSE</u></b> |
|----|--|-------------------------------|-------------------------------|-------------------------------|
| 6. | Using State information technology resources to gain access and/or download from the Internet information not pertaining to official job duties without authorization, including, but not limited to, games, pornography or unauthorized software.                     | 1,2,3,4                       | 2,3,4,5                       | 5.....                        |
| 7. | Knowing and willful sabotage of information technology resources, including but not limited to the introduction of computer viruses, system monitoring devices or devices that can cause damage or limit access to the equipment, operating systems, software or data. | 5.....                        | .....                         | .....                         |
| 8. | Negligent use of information technology that results in the introduction of computer viruses, system monitoring devices or devices that can cause damage or limit access to the equipment, operating systems, software or data.  | 1,2,3..                       | 3,4,5..                       | 5.....                        |

#### **230.8.10 OTHER ACTS OF MISCONDUCT OR INCOMPATIBILITY**

|    |  | <b><u>1st<br/>OFFENSE</u></b> | <b><u>2nd<br/>OFFENSE</u></b> | <b><u>3rd<br/>OFFENSE</u></b> |
|----|--|-------------------------------|-------------------------------|-------------------------------|
| 1. | Unauthorized bringing to Agency grounds or buildings a firearm or other implement generally construed to be a weapon; unauthorized carrying a gun or weapon at any time while performing State duties. | 2,3,4,5                       | 3,4,5..                       | .....                         |
| 2. | Failure to report an accident involving State equipment assigned to an employee.   | 2,3,4,5                       | 3,4,5..                       | 5.....                        |
| 3. | Improper disclosure of confidential information or theft of confidential written matter.   | 2,3,4,5                       | 3,4,5..                       | 5.....                        |

|     |  | <b><u>1st<br/>OFFENSE</u></b> | <b><u>2nd<br/>OFFENSE</u></b> | <b><u>3rd<br/>OFFENSE</u></b> |
|-----|--|-------------------------------|-------------------------------|-------------------------------|
| 4.  | Conviction of any criminal act related to his/her work activity or conviction of any criminal act involving moral turpitude when it is related to the employee's work activity.  | 5.....                        | .....                         | .....                         |
| 5.  | Accepting gifts from any individual, firm or organization connected with Department business when the employee is responsible for decisions or making recommendations for decisions affecting the activities of the individual, firm or organization. Exceptions would be, e.g., advertising samples, normal lunches, etc., which do not exceed \$10 in value. | 2,3,4,5                       | 3,4,5..                       | .....                         |
| 6.  | Releasing a paycheck before the appropriate time.  | 2.....                        | 3.....                        | 5.....                        |
| 7.  | Requesting, receiving and cashing a paycheck before the State's designated payday.   | 2.....                        | 3.....                        | 5.....                        |
| 8.  | Rendering of services or goods to recipients that are not in accordance with Departmental or Divisional policies.  | 2,3,4,5                       | 3,4,5..                       | 5.....                        |
| 9.  | Refusal to undergo a criminal background check when it is required by law, regulation or Agency policy.  | 5.....                        |                               |                               |
| 10. | Failure to disclose a criminal conviction when disclosure is required by law, regulation or Agency policy.   | 2,3,4,5                       | 3,4,5..                       | 5.....                        |

|     |   | <u>1<sup>st</sup><br/>OFFENSE</u> | <u>2nd<br/>OFFENSE</u> | <u>3rd<br/>OFFENSE</u> |
|-----|---|-----------------------------------|------------------------|------------------------|
| 11. | Failure to maintain a current occupational license or certification when possession of the occupational license or certification is a requirement of the job. | 2,3,4,5                           | 3,4,5..                | 5.....                 |
| 12. | Failure to maintain a valid driver's license when possession of a valid driver's license is a requirement of the job.   | 2,3,4,5                           | 3,4,5..                | 5.....                 |
| 13. | Driving a State vehicle with an expired or revoked driver's license.  | 3,4,5..                           | 5.....                 |                        |

## **230.9 EMPLOYEE GRIEVANCE AND HEARINGS**

**Supervisors and Managers shall contact the DCFS Human Resources Chief immediately upon receipt of a grievance and send a copy of the grievance for the Human Resources Chief's review. The Deputy Administrator and Regional Personnel Analyst should also be provided a copy as soon as possible.**

Refer to Nevada Administrative Code 284.341 and 284.658 - 284.697 for the grievance procedure. Contact the Human Resources Chief prior to developing a response.

### **230.9.1 GRIEVANCE ADJUSTMENT PROCEDURE (NAC 284.341 and 284.658 – 284.697)**

For the purpose of this Section, a grievance means an act, omission or occurrence which a permanent employee feels constitutes an injustice and can be established on factual information. It may relate to any condition arising out of the relationship between an employer and an employee, including but not limited to, compensation, working hours, working conditions, membership in an organization of employees or the interpretation of any law, regulation, or disagreement. **It does not include position allocation, involuntary transfers, dismissals, demotions, or suspensions.**

The grievance procedures and statements in this manual do not include all the rights available to a grievance. Consequently, NAC 284.658 through 284.697, which provide direction for the adjustment of grievances, should be reviewed prior to the filing of a grievance.

Any employee, informally seeking or formally filing a request to have his/her

grievance reviewed, shall not be discriminated against in recruitment, examination, appointment, training, promotion, retention, classification, or any other personnel action for doing so or testifying on behalf of another employee.

All parties may consult with and receive the assistance of their department personnel offices or the Department of Personnel in resolving a grievance (NAC 284.662(4)). Department of Personnel Contact information can be obtained from its website: <http://dop.nv.gov> or by calling (775) 684-0141.

**Since regulations relating to grievances refer to permanent State employees, non-continuing probationary employees who are dismissed will not be allowed use of this grievance procedure.**

**It is Division of Child and Family Services policy that Supervisors and Managers attempt to resolve grievances at the lowest possible level through informal means.** If through informal discussion, an employee's grievance is not resolved, relief may be pursued by following the steps in the sequence shown below:

IT IS DIVISION OF CHILD AND FAMILY SERVICES POLICY THAT ALL SUPERVISORS AND MANAGERS HAVE A WITNESS PRESENT IN MEETINGS WHERE THE AGGRIEVED EMPLOYEE IS REPRESENTED OR ACCOMPANIED BY ANOTHER INDIVIDUAL. AN INDIVIDUAL ASSISTING THE AGGRIEVED EMPLOYEE MUST DO SO ON HIS/HER OWN TIME. An employee acting as a witness for another in any meeting with a member of management must do so on his/her own time.

- A. **STEP 1:** An employee who feels aggrieved and wishes to file a formal grievance must file his/her grievance in writing within twenty (20) working days of the origin of the grievance or when the employee learns of the problem with his/her Immediate Supervisor. **Every effort should be made to resolve the grievance by informal discussion during this 20-day period. (NAC 284.678(1)).**

Except for grievances filed with the Employee Management Committee, the time limit for filing a grievance and for taking any action required by either party at steps 1-3 in the grievance procedure may be extended by the mutual agreement of the parties. Parties must use form TS-145 for this purpose. This form can be found on the state Department of Personnel Web Site: <http://dop.nv.gov>. Parties should click on "Forms/Publications."

The formal grievance shall be filed on an NPD-50. All of the information requested on the NPD-50 form must be provided. This form can be found on the State Department of Personnel Web Site: <http://dop.nv.gov>. Employees should click on "Forms/Publications."

This statement shall contain the following:

1. The employee's name and job title;
2. His/her most recent date of hire;
3. His/her position, Department, Division and Section;
4. His/her mailing address, his/her business telephone number;
5. A statement that he/she is filing a formal grievance;
6. The date, time and place of the event or date the employee learns of the event leading to the grievance;
7. A concise statement of his/her grievance;
8. A detailed description of his/her grievance including the names of other persons involved in the act, omission, or occurrence, if any;
9. A proposed solution to the grievance;
10. Signature of the employee, and the date the statement was signed by the employee.

If a grievance relates to a performance evaluation, an employee shall identify the points of disagreement, no later than ten (10) days after the date the employee receives the decision of the reviewing officer.

It is Division of Child and Family Services' policy that each Supervisor/Manager has the Deputy Administrator review and attempt to resolve a grievance before the request is forwarded to the State DCFS Administrator.

**Responses to formal grievances shall be filed on an NPD-51.** This form can be found on the State Department of Personnel Web Site: <http://dop.nv.gov>. Respondents should click on "Forms/Publications."

If the correction of the matter under appeal is beyond the control of any Supervisor or if the submission of the grievance to him/her would be a useless act, as determined by the Department of Personnel, the aggrieved employee may appeal directly to the next appropriate level.

**NOTE:** An employee shall have ten (10) working days to refer his/her grievance to the next level after receipt of notification of the action at each step in the procedure or as otherwise provided by the law. The time limit for

the grievance procedure may be extended by agreement of the parties.

- B. **STEP 2:** If within ten (10) working days after delivery of his/her statement to the immediate Supervisor, the employee has not received satisfactory relief, he/she may forward his/her grievance to the Division Administrator.
- C. **STEP 3:** If within ten (10) working days after delivery of his/her request to the Division Administrator, the employee has not received satisfactory relief, he/she may file his/her request with the highest Administrator of the entire Department who may hold a hearing within ten (10) working days after receiving the employee's request. The highest Administrator may render a decision following said hearing or allow the grievance to be forwarded directly to the Employee Management Committee within ten (10) working days.

Within the established time limitations, including any extensions to those time limitations obtained pursuant to NAC 284.692, the highest Administrator may appoint a person or a committee composed of management and employees to assist in fact finding and recommending a course of action.

- D. **STEP 4:** If the employee is still dissatisfied, he/she may within ten (10) working days request that the Employee Management Committee hold a hearing under its own rules. The request must include all appropriate documentation, a citation of the statutes and regulations pertinent to the grievance, if any, the specific points of disagreement and supporting evidence. The committee shall within forty-five (45) working days following the receipt of the employee's request:
  - 1. Answer the request without a hearing if the case is based upon the Committee's previous decisions or does not fall within its jurisdiction; or
  - 2. Hold a hearing to determine the proper disposition of the request. If a hearing is held, the committee will:
    - a. Provide at least twenty-one (21) working days written notice to all parties concerned; and
    - b. Render a decision within forty-five (45) days from the closure of the hearing.

**E. GRIEVANCE PROCEDURE SUMMARY**

- Step 1: File grievance on NPD-50 with Immediate Supervisor. If not resolved within ten (10) working days, take next step.
- Step 2: File grievance with Division Head (DCFS Administrator). If not resolved within ten (10) working days, take next step.
- Step 3: File with Department Head (DHHS) Administrator). If not resolved within ten (10) working days, take next step.
- Step 4: File with Employee-Management Committee (EMC). Within forty-five (45) days of the request, the EMC will render a decision or schedule a hearing and then render a decision.

NOTE: Following receipt of notification of actions at Steps 1 through 3, the grievant has ten (10) working days to refer the grievance to the next step unless the time limit is extended by agreement of the parties. A grievance may be submitted to the next level if the grievant has not received notification within the ten (10) working day period in which such action is required. The respondent, at each step, retains the documentation received from the grievant. **The grievant is responsible for maintaining copies of the documentation he/she provided for his/her records and for filing at the next step in the grievance procedure, including attaching all previous responses when submitting the grievance to the next step.**

**230.9.2 WHEN RESOLUTION OF GRIEVANCE BECOMES BINDING**

- A. Except as provided in subsection B, the resolution of a grievance is binding when:
1. There is an agreement between the person filing the grievance and the Appointing Authority or the designated representative of the employing Agency; or
  2. The Employee-Management Committee renders a final decision.
- B. The Appointing Authority shall submit each proposed resolution of a grievance that has a fiscal effect to the Budget Division of the Department of Administration for a determination of whether the resolution is feasible on the basis of its fiscal effects. The resolution is binding only if it is so found.

### **230.9.3 UNLAWFUL DISCRIMINATION**

An employee alleging unlawful discrimination based on any pertinent state or federal law or regulation may use the procedure for the adjustment of a grievance contained in NAC 284.658 to NAC 284.695, inclusive.

Upon the employee's allegation of discrimination, the employee may file simultaneously with the appropriate Agency: the Nevada Equal Rights Commission, the U.S. Equal Employment Opportunity Commission or other similar Agency.

### **230.9.4 DISCLOSURE OF IMPROPER GOVERNMENTAL ACTION**

NRS 281.661 requires the Director of the Department of Personnel to provide each State officer and employee, on an annual basis, a summary of the statutes pertaining to disclosure of improper governmental action (NRS 281.611 through 281.281.671).

These statutes prohibit any State officer or employee from using his or her official authority or influence to prevent disclosure of improper governmental action by another State officer or employee.

“Improper governmental action” is defined in NRS 281.611 as: “...any action taken by a state officer or employee or local governmental officer or employee in the performance of his official duties, whether or not the action is within the scope of his employment, which is:

- (a) In violation of any state law or regulation;
- (b) If the officer or employee is a local governmental officer or employee in violation of an ordinance of the local government;
- (c) An abuse of authority;
- (d) Of substantial and specific danger to the public health or safety; or
- (e) A gross waste of public money.”

Per NRS 281.631(2), “use of ‘official authority or influence’ includes taking, directing others to take, recommending, processing or approving any personnel action such as an appointment, promotion, transfer, assignment, reassignment, reinstatement, restoration, reemployment, evaluation or other disciplinary action.”

NRS 281.641 affords a State officer or employee who discloses information concerning improper governmental action a hearing before a State Personnel Hearing Officer if any reprisal or retaliatory action is taken against him/her within two (2) years following the disclosure. The appeal must be submitted in writing on the NPD-



53 form, *Request for Hearing*, under the provisions of NRS 281.641, which is available from the Department of Personnel or an Agency's Personnel Representative. This form can be found on the State Department of Personnel Web Site: <http://dop.nv.gov>. Employees should click on "Forms/Publications."

This properly completed form must be filed with the Hearing Officer within ten (10) working days (NAC 281.305) after the alleged reprisal or retaliatory action takes place.

Per NRS 281.651(2), the provisions of NRS 281.611 to 281.671, inclusive, do not prohibit a State officer or employee from initiating proper disciplinary procedures against another State officer or employee who discloses untruthful information concerning improper governmental action.

Finally, these statutes specifically encourage any State officer or employee to disclose improper governmental action to the extent not expressly prohibited by law. Further, it is the intent of the Legislature to protect the rights of a State officer or employee who makes such a disclosure.

A copy of these statutes may be obtained by contacting Department Director, Division Administrator, the Department of Personnel, or accessed via the Nevada Legislature's website at [www.leg.state.nv.us](http://www.leg.state.nv.us) under Law Library.

## **230.10 PERFORMANCE STANDARDS AND EVALUATIONS**

### **230.10.1 STANDARDS OF PERFORMANCE - FORM NPD-14**

This form can be found on the State Department of Personnel Web Site: <http://dop.nv.gov>. Employees should click on "Forms/Publications."

#### **A. PURPOSE**

The provision for establishing work performance standards is contained in NRS 284.335 and NAC 284.468. Each Supervisor in the Division of Child and Family Services is responsible for establishing written performance standards on an NPD-14 for the employees under his/her supervision. A standard for performance of work is a written statement prepared on a form prescribed by the Department of Personnel of the results or behavior, or both, expected of an employee when the job elements of the employee's position are satisfactorily performed under existing working conditions.

Work Performance Standards are required for all classified positions.

The Appointing Authority is responsible for ensuring that each position has standards and that each employee is evaluated using those standards. The

Supervisor has responsibility for establishing the initial standards, but the employee must be given the opportunity to provide comments when the standards for the position are revised. New employees should be provided with work performance standards within his/her first thirty (30) days of employment.

**The Appointing Authority has final approval of the standards for a position** and work performance standards must be reviewed annually and amended when appropriate. Each employee must be provided with a copy of the standards for his/her position. As used in this Section, 'job elements' means the principle assignments, job tasks, goals, objectives, responsibilities or related factors, or any combination thereof.

During the annual work performance standards review, the employee and his/her supervisor must sign and date the work performance standards form even if no changes have occurred.

## **B. RECORD KEEPING**

Supervisors must provide a copy of the work performance standards to each employee under their supervision. These standards must be provided at the beginning of the rating period.

Supervisors are required to keep, and have available upon request, current and past work performance standards used to evaluate their assigned employees. Work performance standards over two (2) years old need not be retained by a Supervisor, unless they are still applicable and being used as the current standards or there is a pending or on-going employee appeal relative to those work performance standards.

One (1) copy of the current work performance standards must be sent to the Regional Personnel Services Office to be retained in the employee's service jacket. When necessary, Personnel Services will request individual employee's work performance standards from Supervisors.

When an employee receives a performance evaluation, Employee Appraisal and Development Report (NPD-15), the Supervisor will ensure the employee has a copy of his/her current work performance standards.

## **C. REQUIRED TRAINING**

Pursuant to NAC 284.470, a person shall not complete a report of performance unless he/she has completed the training provided or approved by the Department of Personnel concerning preparation of performance evaluations.

## 230.10.2 EVALUATION OF PERFORMANCE

Pursuant to NRS 284.340, each Supervisor and/or Manager shall conduct an annual performance evaluation for all permanent employees under his/her supervision. The annual evaluation shall be completed and submitted to Division Personnel Services within thirty (30) days of the due date (pay progression date).

Probationary employees shall be further evaluated in accordance with their length of probation. (See Manual Section on probationary and provisional employees.)

The appropriate Deputy Administrator may choose to review all reports on performance with overall ratings of *Does Not Meet Standards* (1) and *Exceeds Standards* (3) before the report is discussed with the employee. Additionally, all *Does Not Meet Standards* performance reports must be reviewed by the Regional Personnel Analyst before discussion with the employee ensues.

The Supervisor (rater) must meet with the employee and discuss the evaluation for the purpose of determining goals and methods and evaluating progress toward improved performance and personal development. After discussion, the evaluation report shall be forwarded through the proper chain of command to the Appointing Authority. A permanent employee can opt to follow the grievance process outlined in Section 230.9.1 of this Manual if he/she receives an evaluation with a *Does Not Meet Standards* rating. For this reason, the Regional Personnel Analyst must review and critique the content of the evaluation before it is given to the employee.

When a "Does Not Meet Standards" rating is given, a FOLLOW-UP EVALUATION must be submitted to the Regional Personnel Services Office within ninety (90) days from the date of the below standard rating and at least every ninety (90) days thereafter, until the performance of the employee improves to standard or disciplinary action is taken against the employee. The tentative date the FOLLOW-UP EVALUATION will be given must be included in the evaluation. **Do not indicate a specific date. Use the following sentence, "Follow-up evaluation will be provided on or before \_\_\_\_."** More frequent evaluations may be given at the Supervisor's discretion (i.e., thirty [30] or sixty [60] days), but the month of the special review period must be given in the preceding evaluation.

When a substandard report is given, it must contain a written notice that substandard reports affect both merit pay increases and the employee's eligibility for longevity pay.

Contested performance evaluations may be appealed up to the Employee Management Committee.

### 230.10.3 REPORT ON PERFORMANCE - NPD-15

This form can be found on the State Department of Personnel Web Site: <http://dop.nv.gov>. Employees should click on "Forms/Publications."

#### A. RATER

Normally, the rater will be the immediate Supervisor of the employee. However, two (2) or more Supervisors may do a rating if the employee has worked for more than one (1) Supervisor during the time period being rated. Everyone participating in the completion of the report on performance must sign, with his/her correct classified title, and date the report. Additional pages to the narrative part of the report must also be signed and dated by each person.

The rater is responsible for completing the appropriate sections of the report, which will always include a written summary of employee performance. There must always be a discussion between the employee and the rater for the purpose of determining goals, performance standards and evaluating progress toward improved performance and personal development. The only exception to the above discussion will be in cases where the employee is not available for an interview. Written summaries must include specific examples of performance to support the rating. In cases that require improved performance on the part of the employee, the rater should be specific and relate to the standards that will be expected at the end of a given time period.

**NOTE: Rates must only use whole numbers, i.e., 1, 2, 3, when evaluating performance.**

SUPERVISORS SHALL REFRAIN FROM WAITING UNTIL PERFORMANCE REPORT TIME TO MAKE CORRECTIVE ACTION COMMENTS. CORRECTIVE ACTIONS SHOULD BE TAKEN WHEN THE INCIDENT OCCURS AND DOCUMENTED AT THAT TIME, IF NECESSARY.

All reports on performance are due in the regional Division Personnel Services Office thirty (30) days before the date the performance evaluation is officially due.

The appropriate Deputy Administrator may choose to review all reports on performance with overall ratings of *Needs improvement* (1) and *Exceeds Standards* (3) before the employee receives the report from his/her Supervisor.

**All Does Not Meet Standards' performance reports must be reviewed by the Regional Personnel Analyst before discussion with the employee ensues.** Other evaluations with the rating *Meets Standard* or better should be signed by the Supervisor, sent through the chain of command, **and then given to the employee for review and discussion.** After discussion, the employee must sign the evaluation within ten (10) working days. The performance report is then routed to the Regional Personnel Services Office for processing.

Supervisors are encouraged to contact the Regional Personnel Services Office for assistance in preparation of performance evaluations.

Employee Appraisal and Development Report forms (NPD-15) are available on line at the Department of Personnel website at [www.dop.nv.gov](http://www.dop.nv.gov).

#### **B. EMPLOYEE COMMENTS**

All employees have the right to express comments related to the evaluation in the section provided for that purpose. If an employee disagrees with the report on performance and requests a review, he/she must respond in writing and identify the specific points of disagreement and return the response to his/her Supervisor.

Employees must comment in writing when the overall rating is less than *meets standard*.

#### **C. AGENCY SUPERVISORY REVIEW**

**The Reviewing Officer will normally be the Division Human Resources Chief.** The Reviewing Officer is responsible for completing the appropriate section of the report. The Reviewing Officer shall prepare an addendum to the original report in all cases where he/she disagrees with the rater, has additional information or has a formal discussion with the employee concerning the report. Distribution of the addendum must be the same as the NPD-15.

#### **D. APPOINTING AUTHORITY REVIEW**

The Deputy Administrator or Administrator are normally the Appointing Authority Reviewer and may conduct the final review on the Employee Appraisal and Development Report.

#### **E. FINAL REVIEW**

In cases where there are many levels of review, the Administrator may sign as the final reviewer.

**F. DISTRIBUTION**

After appropriate signatures have been obtained, the original and one (1) copy of the evaluation should be sent to the Regional Personnel Services Office for processing. A copy with all appropriate signatures must be provided to the employee and one (1) copy will be returned to the rater.

Supervisors and Managers should take precautions to guard the confidentiality of Performance Evaluations, both in preparing the reports and in retention of completed reports.

**230.10.4 PROBATIONARY AND PROVISIONAL EMPLOYEES**

The length of the probationary period is dependent on the position classification. All classes at Grade 20 or higher are assigned a one-year probationary period; those below Grade 20 receive six (6) months probation.

For purposes of the probationary periods, the one-year or six-month duration are full-time equivalencies. Any leave without pay over thirty (30) working days will extend the probationary period proportionately. A trial period is the probationary period that is required of a permanent employee because of promotion to a vacant position. An employee must perform the duties continuously in the classified service for either six (6) months or one (1) year (FTE) to attain permanent status. Time off for military service, leave without pay in excess of thirty (30) days education leave; or other approved NON-PAID LEAVE will not count toward the completion of the probationary period or toward the awarding of a merit salary increase.

**A. SIX-MONTH PROBATIONARY PERIOD**

For employees serving a six-month probationary period, Supervisors shall complete the employee evaluation not later than the end of the second and fifth months of employment.

**B. TWELVE-MONTH PROBATIONARY PERIOD**

For employees serving a twelve-month probationary period, Supervisors shall complete the employee evaluation not later than the end of the third, seventh and eleventh months of employment.

**C. PERFORMANCE DEEMED STANDARD IN ABSENCE OF TIMELY EVALUATION**

NRS 284.340 provides for performance to be deemed standard when evaluations have not been completed in a timely manner and submitted to Personnel Services by established deadlines.

**230.11 EMPLOYMENT PROCESS**

**230.11.1 RECRUITMENT AND EXAMINATION**

**A. ANNOUNCEMENTS**

All Division job announcements are published by the Department of Personnel on its web site: <http://dop.nv.gov>. Employees should click on “State of Nevada Job Opportunities.”

**B. APPLICATION FOR EMPLOYMENT**

Persons wishing to compete for employment in a specific job must file a formal Application for Employment within the filing dates indicated on the job announcement. The Application for Employment is available only on the Department of Personnel’s web site: <http://dop.nv.gov>. Employees should click on “State of Nevada Job Opportunities.” The Application for Employment **for each specific position** must be submitted electronically through this web site. Detailed instructions for application can also be found on this web site.

**C. EXAMINATIONS**

NRS 284.295 provides for the use of competitive examinations. Competitive examinations may be structured or unstructured, scored or un-scored, written, oral or in the form of a demonstration of skill or technical knowledge, an evaluation of training and experience or any combination of these.

The most common types of examination are ratings of training and experience (T&E), written examinations, and oral examinations. Often an examination process will combine these types to provide an intermediate screening device. For example, the process might combine a written and an oral examination in such a way that only those applicants who pass the written examination proceed to the oral examination.

It is in the best interest of all applicants to provide complete and detailed information on the application as well as in response to all exams.

**D. EXAMINATION REAPPLICATION**

Individuals may retake an examination for the same class after sixty (60) days have elapsed from the date of the previous exam providing recruitment is in process for the classification involved. When an applicant retakes an examination, the score of the most recent examination will determine eligibility.

**E. VETERAN'S PREFERENCE**

The Department of Personnel requires proof of veteran's preference be submitted for each position for which an application has been submitted. The applicant must declare the intention to request veteran's preference points before an examination. This proof, a copy of the DD-214 or discharge, must be submitted to the Department of Personnel by the time the final portion of the examination is administered.

Veteran's preference may only be used once for promotional examinations.

**F. ELIGIBLE LISTS**

Persons successfully completing the examination process are certified onto eligible lists. When vacancies occur, eligible lists are certified to the hiring authority and hiring interviews are conducted.

**G. REVIEWS OF EXAMINATION**

NAC 284.341 provides candidates the right to request a review of examination. Such a review must be requested within ten (10) working days after receipt of the postmark on a notification of a grade pertaining to a written examination, an oral examination, or an examination conducted by a center for assessment.

The Regional Personnel Services Office should be contacted for questions regarding this provision.

**230.11.2 FILLING VACANT POSITIONS**

**A. NOTIFICATION / JUSTIFICATION TO FILL A VACANT POSITION**

As soon as the need to fill a position becomes known, the Regional Personnel Services Office should be notified by the Supervisor. The regional Analyst will discuss recruitment options with the Supervisor and request a certified list from the Department of Personnel or instruct the Personnel Technician to post a recruitment through the Department of Personnel. During the recruitment process, Supervisors and Managers may be called upon to provide specific job content information as subject matter experts. Cooperation with Personnel Services staff in this process will facilitate recruitment and examination.

Information Technology-related positions can only be filled after the Information Technology Manager obtains an approved "Justification to fill



Vacant Position” form from the Director of the Department of Information Technology (DoIt).

During times when the Governor institutes a hiring freeze, a “Justification to fill Vacant Position” will be required of any position not exempted from the freeze by the Nevada Department of Personnel.

## **B. CERTIFICATION OF ELIGIBLE LISTS**

When an eligible list is provided by the Department of Personnel to the Regional Personnel Services Office, a copy will be made and sent to the requestor. If a layoff list exists for that class, the hiring authority must contact the person eligible for re-employment and offer the position. If the re-employment candidate waives, a memo documenting the waiver should be prepared and attached to employment documents for the position. Lists may be certified as "promotional" or "open competitive." Promotional lists may be certified Divisional promotional candidates first, Departmental promotional candidates second, statewide promotional candidates third, and then open competitive candidates. In this method preference for promotions is given to promotional candidates.

Open competitive lists are provided for classes defined as "entry level" or "limited promotional candidates" as defined and indicated in the classification plan. Open competitive lists may also be provided to the requestor in accordance with NAC 284.367.

A certification list will include, when available, employees interested in transfer and persons eligible for the "700 hour program." Transfer and 700 hour candidates are indicated as "optional" on the certification list.

**NOTE:** It is the policy of the Department of Health and Human Services to interview all 700-hour candidates so interested.

Consideration of transfer candidates is optional and must be done in accordance with the Division's Transfer Policy. (See Section 230.11.3,C, TRANSFER APPOINTMENT.)

Pursuant to NAC 284.361 when using ranked lists other than those for re-employment, the Appointing Authority must attempt to communicate, as provided in NAC 284.373 (Inquiry of Availability) with the first five (5) eligible rankings to determine their availability and qualifications.

In some classifications, it is not uncommon to have more than five (5) applicants on the "promotional" list alone, which if all are interested and available, prohibits consideration of any applicants on the "open" list.

Upon receipt of the eligible list, notification for interview will be made by telephone or letter. The letter will not preclude contacting eligible candidates by telephone but will be used when a candidate cannot be reached by telephone or when he/she has stated he/she is not interested/not available during the phone contact, so as to have written verification of his/her status. The Supervisor hiring for the position will mail these letters to the candidates. Copies of all letters sent to candidates must be kept with the eligible list. When the eligible list is returned to the Regional Personnel Services Office, the letter copies and any further notations on the candidates (i.e., replies, considerations, no reply received, etc.) should be attached to the eligible list and included with the RAR hiring packet.

Pursuant to NAC 284.373, Inquiry of Availability, every eligible person must respond to an inquiry of availability within: six (6) days after an inquiry by mail has been postmarked; three (3) days after an inquiry by electronic mail has been sent; (24) hours after a written inquiry is hand delivered; or twenty four (24) hours after an oral inquiry has been made if the oral inquiry was made during a conversation with the eligible person; or three (3) days after an oral inquiry by telephone was attempted and a voicemail or similar kind of electronic message was left.

All applicants responding for an interview must bring a current application to the hiring interview. The applications of those interviewed must be provided to the Regional Personnel Services Office for the official recruitment file. The application of the selected candidate will be used by the interviewers for background discussion and reference checks. This application will then be placed in the recruitment file and Agency personnel file.

If the list is unranked or waived the Appointing Authority shall attempt to communicate with at least five (5) eligible persons. Any eligible person who is certified from an unranked list may be appointed.

### **C. EMPLOYMENT/HIRING INTERVIEWS**

Hiring Supervisors and Managers should take care to establish a diverse interviewing panel containing a minimum of three (3) staff **senior** in classification to the position under recruitment to conduct employment/hiring interviews. To meet the requirements of this policy, members of the interview panel may participate in the interview via video conference. These panels should be as diverse as possible to discourage “group think.” It is also recommended that one (1) panel member be a subject-matter expert external to the Division. **The composition of the interview panel must be the same for all interviews for a specific position.**

## **1. Essential Functions**

Pursuant to NAC 284.440 and 284.441 the Appointing Authority must develop a list of essential functions for each position and provide a description of the essential functions to each candidate who is being considered for a vacant position. The information must be provided in a timely manner to allow a candidate with a disability to determine the need for reasonable accommodations.

Forms and instructions required for the completion of essential functions are available from the Personnel Services Unit.

## **2. Preparing to interview**

### **a. Purpose**

The employment interview allows the interviewing panel to:

- 1) Obtain job-related information about the applicant that cannot be more easily obtained by another method.
- 2) Clarify information about the applicant obtained through other means.
- 3) Give the applicant a description of the job duties and requirements.

All interview questions, rating guides and evaluations must be job related. The interview must be structured to ensure uniform treatment of all candidates. Structuring an interview involves developing a plan, which clearly specifies the questions that will be asked of each applicant, and ensuring each question is job related.

### **b. Developing Questions**

Careful preparation is the key to a successful interviewing process. A major portion of the preparation time should be devoted to developing questions, which will elicit responses about specific skills, knowledge and abilities. Well-prepared questions bring out useful information, save interviewing time, and help to ensure that all applicants are treated equally.

Listed below are the **major types of interviewing questions** and when each is best used:

- 1) **"Yes or No" Questions** are answered with either a *yes* or *no*. Example: "Can you operate a Micom word processor?" They should be used sparingly because they obtain only limited information from the applicant.
- 2) **Direct Questions** are used to obtain very specific information. Example: "What accounting courses have you had?" They are valuable for questioning candidates in depth or on topics which are brought up by candidates' responses to open-ended or situational questions. In wording these questions, it is important to avoid giving away answers and causing feelings of anxiety or defensiveness. For example, instead of asking "Why were you fired from XYZ Company?", you may ask, "What were the circumstances that caused you to leave the XYZ Company?"
- 3) **Alternate Choice Questions** consist of two (2) or more equally desirable or undesirable options. Example: "Do you prefer establishing your own work priorities or having them pre-determined for you?"
- 4) **Open-Ended Questions** encourage candidates to express ideas and information they feel are important. Example: "Tell me about your supervisory experience."
- 5) **Situational Questions** pose job-related situations that candidates will have to deal with on the job. They are used to evaluate a candidate's ability to recognize important aspects of situations or problems, analyze them, and provide reasonable options. The interview panel should allow at least five (5) minutes for the person to come up with a workable solution. In designing such questions the interview panel should make sure they consist of actual job situations and are sufficiently complex.

**The following should be avoided:**

- 1) **Unimaginative Questions** that sound "canned" and for which the candidate usually has a prepared answer, and which are not typically related to the specific job. Example: "What would you like to be

doing five years from now?"

- 2) **Multiple Questions** which require the candidate to answer a long, confusing series of questions. Example: "What duties performed in the past have you liked best/least and why?" and "What are your three greatest strengths and limitations for this job?"
- 3) **Obvious Questions** that suggest a correct answer. Example: "Our Company wants hard workers. What kind of worker are you?" Such questions often reveal an interviewer's attitudes and may help a candidate to create answers to fit those attitudes.
- 4) **Negative Questions** which reveal an unfavorable attitude toward a candidate or topic and may cause the candidate to develop a defensive attitude. Example: "You don't have much relevant supervisory background, do you?"
- 5) **Non Job-Related Questions** especially those regarding:
  - Age, birth date.
  - Maiden name or prior married name.
  - Marital status.
  - Birthplace, nationality, race.
  - Religion.
  - Financial status (e.g., loans, bankruptcies, garnishments).
  - Arrest record.
  - Number and ages of children.
  - Childcare arrangements.
  - General medical condition, state of health, illnesses.
  - Receipt of Worker's Compensation.
  - Whether renting or buying own residence.
  - Dates of military service and type of discharge.

**During interview the interview panel should NOT:**

- 1) Tell an applicant he/she is or seems to be over qualified.
- 2) Indicate he/she feels he/she would not like working for a certain Supervisor.

- 3) Inquire as to the nature or severity of a candidate's disability.

**c. Developing a Rating Guide**

To assist in the interviewing process, the interview panel may wish to develop a simple rating guide. A rating guide is a way of structuring and documenting the evaluations of each candidate. It helps the interview panel make accurate and reliable interview assessments and communicate the interview panels' judgments to others. To prepare a guide, the interview panel should identify samples of behaviors and responses, which are descriptive of each level of competence (e.g., unacceptable, satisfactory and more than satisfactory) for each skill, knowledge or ability. The interview panel is in effect establishing observable behavioral benchmarks for evaluating each applicant.

**THE INTERVIEW PANEL SHOULD USE CONSENSUS RATHER THAN NUMERICAL SCORING.**

The interview panel should avoid focusing on abstract concepts or generalities. The interview panel should make sure that the benchmarks reflect the requirements of the job duties and tasks. For assistance in developing a guide, the interviewer panel should call the Personnel Services Unit.

**Sample Rating Guide for  
Social Services Program Specialist II**

**Skill: Skill in speaking clearly and distinctly using appropriate vocabulary and grammar to obtain information from and convey it to individuals at various organizational levels.**

**More than Satisfactory**

- Answered questions directly, stuck to the point.
- Answers were well organized.
- Displayed broad vocabulary without being ostentatious.

**Satisfactory**

- Occasionally digressed from the point but did not ramble.
- Had occasional difficulty organizing answers.
- Made minor grammatical errors.
- Displayed an adequate vocabulary to understand questions and frame answers.

**Unacceptable**

- Did not respond to the main point of several questions.
- Answers were long and rambling.
- Had much difficulty organizing responses.
- Lacked vocabulary needed to respond to questions; often needed to have words clarified.

**3. Conducting the Interview**

**a. Time Schedule**

The interview panel should:

- 1) Set up schedule for the interviews allotting the same amount of time for each applicant.
- 2) Allow ten (10) to fifteen (15) minutes after each interview to assess the candidate.

**b. Setting**

The interview panel should:

- 1) Prepare an interview setting that is conducive to good communication. Arrange for privacy. Hold all incoming telephone calls and visitors.
- 2) If possible, have available a copy of the organization chart, the work performance standards for the position, recruitment material sent to the public, a listing of the salary and benefits, and a copy of the interviewing questions. Providing the candidate with a copy of the questions during the interview can assist in clarifying any ambiguity. Nervous candidates often forget the components of complicated questions.
- 3) Make sure the candidate has read and signed the description of essential functions for the position.

**c. Interview Plan**

The interview panel should:

- 1) **Read the Application:** Before the applicant arrives, interview panel members should read the employment application, resume, and any other relevant materials. Note gaps in employment history or inconsistencies. Determine what information is missing and what needs clarification.
- 2) **Introduction:** Greet the applicant and introduce members of the interview panel. Describe the role each interview panel member will play in the selection process. Discuss what will happen during the interview and its purpose. Describe the position for which the candidate is interviewing.
- 3) **Reviewing the Application:** Ask questions about any information on the employment application that is unclear or incomplete. For example, clarify job duties and unexplained gaps in work history and review reporting relationships.
- 4) **Structured Questions:** The panel should ask previously formulated key questions, and follow up and probe as necessary. Each candidate should be asked the same questions to ensure uniformity. Enough time should be allowed for the applicant to add information that may be relevant but may not have been covered by the panel's questions.
- 5) **Closing:** Review the organizational structure, working conditions, performance expectations and benefits, as appropriate. Review the selection process and tell the applicant how and when he/she will be next contacted. Do not give any indication of the candidate's standing relative to other candidates.

d. **Note Taking**

The interview panel should:

- 1) Take notes during the interview. To save time, jot down only key words and phrases.
- 2) Inform the candidate at the beginning of the interview that members of the interview panel will be making notations to help them remember all the facts.



e. **Interviewer Style**

- 1) The rapport between interviewers and the candidate can significantly influence interview quality. It is not merely desirable, but essential to foster good rapport. Members of the interview panel should:
  - a) Greet the candidate and adopt a generally relaxed manner.
  - b) Give the candidate the feeling that he/she is being heard and understood by using active listening techniques:
    - Use facial expressions such as smiling to indicate interest.
    - Establish eye contact.
    - Avoid distracting body movements such as pencil tapping.
    - Acknowledge what the applicant says with a nod of the head or a comment such as "I see."
    - Summarize the applicant's remarks to make sure he/she is being understood correctly.
    - Repeat parts of an applicant's answer in a questioning tone to signal the applicant to provide additional information.
    - Pause to give the applicant time to collect his/her thoughts.
  - c) Do not argue or be critical of the applicant's views.

f. **Evaluating**

The interview panel should:

- 1) Assess each candidate immediately following the interview on the specified job-related skills, knowledge and abilities.
- 2) Base its evaluations exclusively on interview information.
- 3) Evaluate the candidates on each selection criterion

separately. Be constructive. Everyone has strong and weak points.

- 4) Be careful to balance out good and bad points about the candidate. There is a tendency to give negative information too much importance.
- 5) Write specific comments about observed candidate behaviors and responses to substantiate judgments.

g. **Common Errors Affecting Interviewing and Evaluation**

In order to increase the reliability and validity of the interview, members of the interview panel should be aware of and avoid the following errors typically made by untrained interviewers:

- 1) **Gut Feeling** - making an intuitive judgment about a candidate without substantiating facts.
- 2) **Halo Effect** - allowing one or two favorable traits of a candidate such as nice appearance to bias the interviewer's judgments favorably on entirely unrelated skills, knowledge and abilities. Example: a candidate has very strong oral communication skills that unduly influence the interviewer to rate the candidate high on all the other qualifications.
- 3) **Stereotyping** - developing an oversimplified, standardized mental image of the members of a particular group. Example: thinking that all individuals with a firm handshake are decisive.
- 4) **Similar-to-Me-Effect** - evaluating certain candidates higher, regardless of their qualifications, because they resemble the interviewer in some way (e.g., member of the same fraternity). Or evaluating candidates lower because they are dissimilar to the interviewer in some way (e.g., comes from a different part of the country).
- 5) **Contrast Effect** - comparing an applicant against another candidate rather than to the specific requirements of the job. Example: allowing the first candidate to be the standard against which all subsequent candidates will be evaluated.

- 6) **First Impressions** - forming a favorable or unfavorable judgment about a candidate during the first few minutes of the interview.

#### **D. REFERENCE CHECKING**

Reference checks are job-related inquiries that are useful in verifying an applicant's previous work history and skills, knowledge and abilities. How a candidate has acted in the past is often an indicator of how he/she will behave in the future.

Reference checks must be conducted **prior to making a hiring decision and commitment. Interviewers must request a list of three (3) verifiable references from final candidates.**

Candidates have the right to request their present employer not be contacted, and such a request must be honored. If the candidate is not currently employed by DCFS, three (3) background checks must be attached to the RAR packet submitted for approval. If unavailable, justify by memo. If the person is a current or former State employee, the Personnel Services Unit must be asked to review the service jacket at Central Records prior to offer. **Personnel Services staff will recommend candidates with negative employment references or unfavorable documentation in the Central Records service jacket not be hired.**

When conducting a telephone reference check, the person conducting the telephone reference check must:

1. Introduce self and state the purpose of his/her call.
2. Ensure the reference has time to talk.
3. Briefly describe the position for which the applicant has applied.
4. Confirm the relationship between the reference and the candidate.  
Example: "In what capacity did you know Mary Thompson and or how long?" The most reliable information usually can be obtained from former immediate Supervisors who were in the best position to observe the applicant's work performance. Candidates seldom supply personal references unless they are sure that favorable information will be given.
5. Verify basic data such as job title, duties, salary, and dates of employment.

6. Ask job-related questions to obtain information about the candidate's skills, knowledge, and abilities as required by the position for which the candidate is being considered.
7. Design questions to elicit the reference's observations and personal assessments of observed work behaviors. Do not ask for predictions such as "How well do you think Mary will be able to perform the job for which I am considering her?"
8. Personnel Services can provide a form to document the questions and answers and to submit with all other interview materials to the Regional Personnel Services Office.
9. Consistency is advised:
  - Ask the same the same basic questions about all candidates for whom references are being obtained by utilizing the form Personnel Services provides.
  - Weigh information received in the same manner for all candidates. What disqualifies one should be a basis for disqualifying any other.
10. Consider the source:
  - Remember that the information received is limited by the perceptions of the person giving it.
  - If negative information about a candidate is received, it should be weighed with data received from other references before using it to make a decision.

**E. CANDIDATES WITHIN STATE SERVICE**

The hiring of candidates within State service requires a check of the permanent personnel file retained by the Department of Personnel. The central Division Personnel Services Office will conduct this inquiry.

**F. RECRUITMENT/APPOINTMENT REQUEST (RAR)**

Additionally, the Recruitment/Appointment Request (RAR) packet must be approved by the Division Administrator (for positions classified at grade 36 or below) before an offer of employment will be authorized. Upon consultation with the Division Administrator, the Human Resources Chief will approve RAR packets in his/her absence.

### **230.11.3 APPOINTMENT**

In making the hiring decision, the competency, knowledge, skills, abilities and other qualifications of each candidate are to be compared with those required for successful job performance. The candidate who possesses the qualifications to perform the duties of the job most effectively should be selected.

#### **A. APPOINTING AUTHORITY APPROVAL**

When submitting the hiring recommendation, it is essential the hiring Supervisor follow the directions in the Recruitment Appointment Request (RAR) appointment packet and send the packet to the Regional Personnel Analyst for review and submission. The Recruitment Appointment Request (RAR) packet shall contain the following documents in the order presented below:

1. RAR Cover Sheet
2. NPD-4, "Request to Accelerate Salary" when applicable.
3. Certification List from State Personnel – Coded and signed by supervisor making selection
4. Application of selected candidate
5. Any application attachments, i.e., resume, if provided by candidate
6. Copy of selected candidate's Driver's License
7. Copy of relevant licenses, i.e., social work license, if applicable
8. At least three (3) completed reference check forms for selected candidate
9. Essential Functions signed pre-interview by selected candidate
10. Survey of Family Relationships signed pre-interview by selected candidate
11. State of Nevada Declaration for Employment signed pre-interview by selected candidate
12. Background Investigation Notification and letter signed pre-interview by selected candidate

13. Oral interview questions and interviewer notes for selected candidate
14. Answer(s) to written interview examination, if applicable, for selected candidate
15. Results of interview computer examination, if applicable, for selected candidate
16. Copy of proposed employment offer letter to be used if RAR is approved
17. Copy of proposed regret letter to be used if RAR is approved and **after** employment offer is made and accepted **in writing**.

**Transcripts:** The **Certified** Transcripts of the selected candidate, **if a college degree is required by the position class specifications**, must be sent to the Central Personnel Office within thirty (30) days of employment. The transcripts be attached to the Recruitment Appointment Request.

When an appointment packet is submitted to Personnel Services for review, all information must be complete and verified by the Supervisor/Program Manager and the Deputy. Incomplete packets will be returned for additional information.

**No job offer may be extended, nor the starting date confirmed, until appointment packets are approved (as shown by the signature of the Appointing Authority).** Personnel Services will notify the hiring Manager when an appointment packet has been approved. Personnel Services will contact the hiring Manager to schedule the new hire orientation. This will normally occur on the first day of employment with the Division. Appointment documents and directions for completion will be provided during the new hire orientation. Since these documents are utilized to prepare the first paycheck, it is essential they be returned promptly and accurately. Upon request, Personnel Services will provide training to interested Supervisors concerning this process.

Once the offer of employment has been accepted, all original recruitment documents must be sent to the DCFS Regional Personnel Analyst. In addition to the documents sent with the RAR packet, the following should also be sent to the DCFS Regional Personnel Analyst.

1. Applications of all candidates interviewed for the position
2. Essential Functions signed by all candidates interviewed

3. Survey of Family Relationships signed by all candidates interviewed for the position
4. State of Nevada Declaration for Employment signed by all candidates interviewed for the position
5. Background Investigation Notification and letter signed by all candidates interviewed for the position
6. Oral interview questions and interviewer notes for all candidates interviewed for the position
7. Answer(s) to written interview examination, if applicable, for all candidates
8. Results of interview computer examination, if applicable, for all candidate
9. Copies of regret letters for all candidates not selected

**B. EMERGENCY APPOINTMENT**

Emergency appointments may only be made for a period not to exceed sixty (60) working days and when a person is needed without delay to prevent a work stoppage of Division business. The rules of certification do not apply. The decision to make an emergency appointment must be cleared through the appropriate chain of command and the Personnel Services Unit.

**C. TRANSFER APPOINTMENT**

All outside transfers and transfer of current staff members (not to be confused with assignment changes) to different geographical locations in the same class (e.g., transfer of a Family Services Specialist II in Reno to a Family Services Specialist II position in Las Vegas) must include consideration of all employees who have contacted the State Personnel to request a transfer. Prior to approval of the transfer of an employee from one (1) geographical area to another, consideration will be given to the needs of the Agency and employee performance.

Comparable transfers require the approval of the Department of Personnel prior to any offer of employment. Caution should be exercised when appointing a transfer candidate. **If the transfer candidate is a permanent employee, and he/she is transferred to the same grade, or demoted to a lower grade, he/she does not serve a new probationary period.**

**References and performance appraisals will be considered before Division Personnel Services staff recommends a transfer candidate for hire to the appointing authority.**

**D. PROBATIONARY APPOINTMENT**

Normally, vacancies will be filled by making probationary appointments from certified lists. A request for a certified list may be at the same level at which the position is classified, or it may be for a lower level within the same class series (Social Worker I for a Social Worker II position).

**E. UNDERFILLS**

Except for a Family Services Specialist, approval to underfill a position must be obtained by Personnel Services. Every attempt to use a certified list from the Department of Personnel should be made prior to requesting an underfill.

**F. PROMOTIONS**

All promotions must meet Department of Personnel certification requirements and have the prior written approval of the Division of Child and Family Services' Deputy or Administrator (as evidenced by approvals on the RAR coversheet).

In specific cases of upward reclassification, State Personnel rules that govern such reclassifications will apply.

Requests for automatic progression of employees to the authorized level must be made in writing to the Regional Personnel Services Office and must be based on both performance and minimum qualifications. Where applicable, employees in six (6) month probationary underfill classes will be promoted one (1) day prior to attaining permanent status and serve the remainder of a twelve-month probation.

**G. NEPOTISM / FAMILY RELATIONSHIPS**

State law prohibits the appointment or supervision of a relative within the third degree of consanguinity or affinity by any employee in a position to make appointments or in a chain-of-command relationship with the relative. Any potential appointment of a relative of any employee should involve a discussion between the respective Manager, the appropriate Deputy Administrator and the Human Resources Chief. At the time of the hiring interview, the candidate must disclose all relatives currently working for the Division in the Survey of Family Relationships form.



**An Appointing Authority shall not appoint a person if the person will be the immediate Supervisor or will be in the direct line of authority of:**

1. A spouse, child, parent or sibling of the person; or
2. The spouse of a child, parent or sibling of the person; or
3. An aunt, uncle, niece, nephew, grandparent, grandchild or first cousin of the person.

Employees who become related in the manner described above must not continue to hold positions in which one (1) of the employees is the immediate Supervisor or in the direct line of authority over the other employee.

If a Supervisor and an employee, who is in the direct line of authority of the Supervisor, become related or involved in a dating relationship after the Supervisor and employee have been appointed to their positions, the Appointing Authority shall ensure that, as soon as practicable, the employees do not continue to hold positions in which one (1) of the employees is in the direct line of authority of the other employee.

A Supervisor who becomes related to or involved in a dating relationship with an employee in the direct line of authority of the Supervisor shall notify the Appointing Authority within ten (10) working days after the Supervisor and employee become related or involved in the dating relationship. The Appointing Authority shall request, from each employee involved, a recommendation for action to be taken to ensure the employees do not continue to hold positions in which one of the employees is in the direct line of authority of the other employee.

The Appointing Authority may determine the manner in which compliance with the regulations governing nepotism will be affected and is not required to accept a recommendation submitted by the affected employees.

## **H. DOCUMENTS**

The Regional Personnel Services Office will supply each hiring authority with a list for a vacant position. Upon appointment, information for all considered candidates must be returned to the Personnel Services Unit for processing. The RAR packet including the appointment information, the coded list, signed essential functions, interview sheets, employment applications, copies of correspondence and reference check documentation for all applicants must be provided (see checklist in Section 230.11.3[a]). This information will be retained in the DCFS Regional Personnel Services Office for three (3) years. All forms must be appropriately completed and returned to the Regional Personnel Services Office within the time allowance

for meeting payroll deadlines.

## **I. IMMIGRATION REFORM AND CONTROL ACT OF 1986 (IRCA)**

The provisions of IRCA make it unlawful for an employer to hire unauthorized aliens and require employers to maintain verification records for new employees hired after November 6, 1986. The following procedures will be used in carrying out the provisions of IRCA 1986, Part 274.A.

### **1. Hiring Authority**

- a. The person conducting the interviews should inform candidates of the State of Nevada's policy of hiring only U.S. citizens or aliens lawfully authorized to work in the U.S. and that the successful candidate will be required to show proof of the legal right to work in the U.S.
- b. At the time the successful candidate is notified of the appointment, the candidate needs to be advised to contact the Agency's Personnel Services/ Payroll Office for information as to what documentation will be needed.

### **2. Agency Personnel Staff or Immediate Supervisor/Manager**

The Division of Child and Family Services Personnel Services staff or new employee's immediate Supervisor/Manager will complete the following actions:

- a. Examine documents presented by the new employee and record appropriate information about the documents on the Verification of Employment Eligibility Form I-9.
- b. Request the new employee to complete and sign the appropriate section of Form I-9.
- c. Complete the employer's section of the form and sign. IRCA requires this to be signed under penalty of perjury.
- d. Forward Form I-9 to the Department of Personnel with the ESMT-A and a copy of the application for employment.

### **3. Verification Requirement**

- a. In accordance with Section 274.A, 2 of IRCA, the completion of Form I-9 **MUST BE DONE WITHIN THREE (3) BUSINESS DAYS OF THE DATE OF HIRE.** If the new

hire is unable to provide the required document or documents within three (3) days, he/she must at least produce evidence, such as a receipt or letter, showing that he/she has applied for the document. The new hire must produce the document itself within twenty-one (21) days of hire.

- b. Form I-9 or proof the individual has applied for the document must be received by the Department of Personnel with the ESMT-A for continued employment of the new hire. ESMT's for new hires cannot be processed unless the document is attached.

#### 230.11.4 CONTRACTING OF TEMPORARY STAFF

**POLICY:** It is the policy of the Division of Child and Family Services to strictly adhere to the contract between the State Health Division and the vendor designated to provide temporary employment services to the Divisions of the Department of Health and Human Services. In accordance, the Division of Child and Family Services will utilize the following procedures to ensure an effective utilization of resources occurs. This policy does not apply to other State of Nevada contractors.

The processes for obtaining approval to hire; tracking temporary employees hours; submitting and validating weekly timesheets; approving overtime; and reconciling invoices and travel claims are outlined in the procedures to follow:

##### A. APPROVAL TO HIRE

1. All DCFS temporary hiring requests must contain the following information upon submission to DCFS Personnel Services:
  - a. Temporary Employment Request Package coversheet with program manager and Deputy Administrator signatures;
  - b. Nevada State Health division temporary Employment Requisition;
  - c. Survey of Family relationships – Employment Restrictions;
  - d. Criminal Background Check Authorization;
  - e. Three (3) Professional Reference Checks;
  - f. A copy of the proposed temporary employee's resume;
  - g. An original copy of the temporary employee's official college

transcripts (within thirty [30] days of temporary employment) if a college degree is required by the position class specifications; and

- h. Copies of professional licenses certification, insurances, etc.
- 2. The Health Division's temporary employment requisition must contain a clearly defined scope of work to be communicated to the temporary employee, including expected timelines. The cost of hiring a temporary employee must not exceed the overall cost of hiring a state employee to complete the tasks outlined in the scope of work. The maximum compensation allowed is the equivalent grade/step 10 plus ten percent (10%).
- 3. All DCFS requests must contain the approval of the Deputy Administrator, Support Services, the Division Chief of Human Resources, and the Division Administrator (or his/her designee) prior to processing. These requests must be coordinated through the Central DCFS Personnel Services Office.
- 4. The request packet and the temporary employment requisition must contain a future beginning and ending date. The beginning date must allow a two (2) week turnaround time in order to allow processing through the contract's administrator, the Health Division.
- 5. All DCFS requests must be re-submitted and re-approved every six (6) months and/or when a salary increase is proposed. The responsible DCFS supervisor will be accountable for initiating continuation paperwork and tracking this six-month temporary employment period.
- 6. Temporary staff cannot start work until DCFS Personnel Services faxes the appropriate DCFS supervisor the approval obtained from the Health Division.
- 7. DCFS staff must **not** contact the Health Division for an update on the status of a temporary hiring request. These inquiries must be submitted through DCFS Personnel Services.

When Division Personnel Services received the Temporary Employment Request Package, the Central Personnel Services' Administrative Assistant will ensure the appropriate signature approvals are obtained within DCFS, log the request, verify the classification title is correct and submit to the Health Division.

Once approval is obtained from the Health Division, Division Personnel Services will create the temporary employee's file, and fax the approved contract back to the requesting supervisor and the responsible fiscal staff member.

## **B. PAYROLL**

1. Supervisors and managers will validate weekly timesheets are received from all temporary employees as all temporary employees are instructed to submit weekly timesheets to the DCFS supervisor/manager by 5:00 p.m. every Friday or in accordance with other directives from the contractor.

### Validation of hours and supervisory signatures

- \* Weekly timesheets must be signed by the assigned supervisor to verify the work has been completed by the temporary employee.
  - \* The supervisor must also verify the accuracy of the total hours worked (travel expenses are not reimbursed in this process – *see* Section D entitled "Travel Reimbursement").
2. By 5:00 p.m. on every Monday, each regional office will prepare a group timesheet and fax it to the contractor's office (i.e., Accustaff). If a holiday falls on a Monday, temporary group timesheets are due by Tuesday at 5:00 p.m. to the vendor designated to provide temporary employment services (i.e., Accustaff), unless otherwise stated. Deadlines may be adjusted to accommodate other holiday scheduling conflicts.
  3. All current temporary employees will be listed on the group timesheet. For any employee who did not work that week, a zero (0) will be entered on the timesheet.

### Overtime request forms and signatures

4. Any temporary employee who works more than forty (40) hours must have prior approval to work overtime. Overtime approval must be granted by the program manager and responsible Deputy Administrator.

## **C. INVOICE RECONCILIATION AGAINST TIMESHEETS**

1. Upon receipt of an invoice, fiscal services staff will compare the individually submitted timesheets to the vendor designated to provide

temporary employment services' invoice. Expenditures are separated by budget account, category, and administrative fees. This reconciliation of invoices is completed weekly by Fiscal Services.

2. The vendor designated to provide temporary employment services is notified immediately of any necessary corrections. An amended invoice may need to be issued by the vendor designated to provide temporary employment services in order to allow State payment of the invoice.
3. An authorized temporary employment requisition must be on file in Division Personnel Services for Fiscal staff to issue payment to the vendor.

#### **D. TRAVEL REIMBURSEMENT**

1. All temporary employees must submit a travel expense claim, if applicable. Travel costs must be delineated on the DCFS Travel Claim form in accordance with the DCFS travel claim process. All travel claims must be reviewed and approved by the assigned supervisor. Travel claims will be processed by fiscal services staff and submitted to the vendor designated to provide temporary employment services for payment.
2. Temporary employees can drive a state car for official business use. Proof of a valid driver's license and insurance will be required as part of the hiring approval process. To use a state car, temporary employees must also have taken and passed the State's Defensive Driving course. Mileage costs will be compensated at the state-mandated rate only if a state car is unavailable.
3. Temporary employees must complete a personal vehicle car log when submitting a travel claim for personal mileage. This log must include the temporary employee's name, vehicle license, the date and time of the event (home visit, meeting), the beginning and ending mileage, the complete address of the destination, and the purpose of the trip.

Each regional office will designate the exact miles that can be claimed when traveling from one site to another for meetings.

#### **E. PROCEDURAL GUIDANCE**

Division Personnel Services must be notified of any procedural guidance issued to DCFS temporary employees.

## **F. TERMINATION**

1. When a temporary employee discontinues service with DCFS, the program manager must submit a termination form to the Central DCFS Personnel Services Office.
2. If the temporary employee's employment is terminated by the Division, Division Personnel Services staff will contact the vendor designated to provide temporary employment services who will then communicate the change in employment status to the temporary employee. It is not appropriate for Division supervisors to communicate this change in employment status, as the Division is not the temporary employee's employer.
3. Personnel Services will forward a copy of the termination form to the appropriate Fiscal Staff member.

## **G. EMPLOYMENT RELATIONSHIP**

**Temporary contract staff are not employees of the State of Nevada.** DCFS staff should take care not to imply an employment relationship exists. All pertinent communication with contractors should occur through the vendor designated to provide temporary employment services to the Divisions of the Department of Health and Human Services. Temporary assignments may end at any time, with or without notice.

### **230.11.5 CRIMINAL BACKGROUND CHECKS**

DCFS, in compliance with Department of Health and Human Services' policy, requires a criminal background check of any person appointed to a position in the classified or unclassified service whose duties include regular or potential contact with clients of the Division or access to client records, as authorized by NRS 239B.010. DCFS also requires criminal background checks of temporary employees who are employed by the vendor designated to provide temporary employment services and of **all** volunteers.

Additionally, as authorized by NRS 179.190, a criminal background check requesting notice of information relating to sexual offenses will also be required of any person appointed to a position in the classified or unclassified service whose duties place him/her in the position to:

- Exercise supervisory or disciplinary control over children;
- Have direct access to or contact with children served by the employer; or
- Have direct access to information or records maintained by DCFS related to identifiable children served by the Agency.

Criminal background checks were instituted for Division new hires in December, 2000. Effective April 1, 2005, any change in appointment status will require a criminal background check (i.e. new hire, promotion, transfer [other than position control number change], reappointment, reclassification, reemployment, rehire or reinstatement). The foregoing does not apply to current DCFS employees who have undergone a criminal background check within the last two (2) years preceding the date of appointment. The applicant/appointee is responsible for the cost of the background check. Automatic progression transactions are exempt from this requirement as long as the incumbent was subjected to a background check upon appointment to the class series.

**A. PAYMENT OF COST OF BACKGROUND CHECK**

Applicants/Appointees will bear the cost of fingerprinting and the criminal history search unless the applicant is applying for a juvenile services position. The cost of the criminal history search for juvenile services applicants are covered under criminal justice statutes and are not charged by the Criminal History Repository for fingerprint services. Applicants must be notified of the criminal background check requirement and associated costs prior to any offer of employment.

Once an applicant has been notified of the criminal background check requirement, a conditional offer of employment may be made pending the results of the criminal history search. Persons so employed shall sign a conditional employment agreement and shall be terminated if the criminal history search reveals arrests or convictions deemed inconsistent with employment by DCFS.

A criminal conviction must be considered on its individual merit when determining whether to retain or release the employee. Consideration must also be given to whether the employee disclosed the criminal conviction on his/her employment record application as required by NAC 284.321.

Current Division/Department and/ or State of Nevada staff that have completed a FBI and State of Nevada background check and criminal history search within the last two (2) years of employment may ask Personnel Services staff at the Agency responsible for retaining the background/criminal history records to forward a copy of the fingerprint cards and background check results directly to the central DCFS Personnel Services office for review. If the background check meets the criteria set forth in this policy, background checks conducted within the last two years may be accepted as meeting this requirement with the approval of the Division Human Resources Chief.



If a Division, Department or State of Nevada employee has not had a criminal background check within the last two years, all changes in employment statuses will require new fingerprint cards/background checks and Child Abuse and Neglect (CANS) checks. These change in employment statuses include auto-progressions and reclassifications if they employee was not fingerprinted upon appointment to the class series and/or within the last two years.

**B. PROCEDURES FOR PROCESSING CRIMINAL BACKGROUND CHECKS**

1. The Human Resources Chief shall oversee the criminal background check process. The Human Resources Chief or his/her designee shall have primary responsibility for obtaining results and notifying hiring authorities.
2. All fingerprint and criminal history requests shall be made using forms designated for this purpose by the Nevada State Department of Public Safety and/or the Federal Bureau of Investigation. Two sets of fingerprint cards, one for the Nevada Highway Patrol, the other for the Federal Bureau of Investigation, must reference the reason for fingerprinting as "Authority: NRS 179A.180 through 179A.240; NRS 239B.010.2 and NRS 432A.175. The fingerprint cards for all employees hired by NYTC, CYC, SVYCC or the Youth Parole Bureau, i.e. Division Juvenile Services staff, will indicate "Criminal Justice Applicant" on the fingerprint cards.

Those facilities or regions who have an employee trained in rolling fingerprints may do so and return the cards to the Regional Personnel Services Analyst for processing. Those facilities or regions who do not have an employee trained in rolling prints may have the DMV, Highway Patrol, or other local entities roll the prints for a fee which will be paid by the person being fingerprinted.

**The employer address on the fingerprint cards should be the Regional Personnel Services Office address, not the physical address where the employee works.**

3. Employees on a conditional appointment shall be fingerprinted within five (5) working days of their date of appointment, and the completed forms must be transmitted to the Regional Personnel Services Office.

Personnel Services staff must then submit the executed forms with the money order to cover costs (as provided by the applicant/employee) if applicable to the Criminal History Repository within five (5) working days of receipt.

4. The results of the criminal history search shall be transmitted to the Human Resources Chief, who will notify the Administrator and/or his designee and the appropriate Deputy Administrator. No further disclosure of information relating to the criminal background check may be made in or outside the Division/Department without the express authority of law or in accordance with a court order.
5. The results of a criminal history search shall be maintained in a locked file cabinet, separate from the employee's personnel file.
6. The specific information received as a result of the search may not be communicated to the employee by the Agency. The employee must be notified by the Agency that received the information as a result of the search and advised whether the information was a result of the State search or the FBI search. The employee must be directed to the State of Nevada Criminal History Repository who will provide the employee with the procedures and forms required to review information or to challenge the accuracy of the information.

#### **C. CONTRACTORS OR VENDORS**

Any contractor or vendor and their employees and subcontractors who exercise supervisory or disciplinary control, have direct access to, or contact with children served by DCFS must submit to a background check pursuant to NRS 179A.180, *et. seq.*

All contracts will include the statement, "The contractor certifies that its employees have been through or will submit to a background check pursuant to NRS 179A.180, *et. seq.*"

If the results of the background checks from the State of Nevada and the Federal Bureau of Investigation are not directly provided to DCFS, the contractor is required to provide such results to DCFS within five (5) calendar days of receipt.

#### **D. CHILD ABUSE AND NEGLECT (CANS) CHECKS**

As a condition of employment with DCFS, employees must also pass a child abuse and neglect (CANS) check. In the event a Child Protective Services (CPS) investigation has substantiated abuse and/or neglect against a potential or current DCFS staff member, the Division of Child and Family Services will immediately, or as soon as is practicable, pursue termination. The Division has a zero-tolerance policy for abuse and/or neglect against the state's youth.

A Nevada Child Protective Services (CPS) substantiation of Child Abuse and/or Neglect will also impact a candidate's ability to gain employment with the Division.

**E. VOLUNTEERS**

In accordance with NRS 239.010, volunteers are required to submit to a background check. The Division will pay the cost of fingerprinting volunteers.

**F. RECORD KEEPING**

All records pertaining to background checks will be kept in the Regional Personnel Services Offices in a confidential file separate from the employee's personnel file. The retention time will be for the duration of an employee's employment in the Division.

**230.12 SEPARATIONS AND DEMOTIONS**

**230.12.1 SEPARATION DOCUMENTS**

**Resignation Memo:** A memo from the employee to his/her Supervisor will meet Department of Personnel requirements. The resigning employee should give a written statement of the reason for separation. However, **upon receipt of any resignation memo, the following form should be presented to the employee for him/her to complete and sign. The Appointing Authority or his/her designee should sign and date the "Resignation Form" immediately upon receipt from the employee.**

**STATE OF NEVADA  
DIVISION OF CHILD AND FAMILY SERVICES**

**RESIGNATION FORM**

**NAME:** \_\_\_\_\_

**EMPLOYEE ID# :** \_\_\_\_\_

**AGENCY:** \_\_\_\_\_ **HOME ORGANIZATION:** \_\_\_\_\_

**RESIGNATION INFORMATION ONLY:** You are hereby advised that in accordance with NRS 284.381 once your written resignation is accepted by your appointing authority, you may not revoke the resignation regardless of the effective date set forth if three (3) or more working days have elapsed since the acceptance unless your appointing authority approves the revocation.

I, \_\_\_\_\_ will terminate my employment with this Agency on  
(Print Name)

\_\_\_\_\_.  
(Last Work Date)

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Submission Date

**Acknowledgement of Resignation:**

\_\_\_\_\_  
Appointing Authority or Designee – Acceptance of Resignation

\_\_\_\_\_  
Date/Time

**COMMENTS:** (Additional comments may be made on an addendum or the reverse side of this document.)

## **230.12.2 TYPES OF SEPARATIONS**

### **A. RESIGNATION**

1. An employee who desires to resign may do so by notifying the Appointing Authority in writing of the reason for the resignation and its effective date. (*See* 230.12.1.)
2. The employee must attempt to submit his/her resignation at least two (2) weeks before he/she leaves. If the employee is going to another State Agency, he/she must provide two (2) weeks notice. (*See* 230.12.1.)
3. The Appointing Authority should issue acceptance of the resignation to the employee and provide notification that the employee has the right to revoke his/her resignation before three (3) working days have elapsed since its acceptance by the Appointing Authority. (*See* 230.12.1.)
4. Any annual leave, sick leave, and/or compensatory time payment due is issued to the employee approximately two (2) weeks after the final paycheck has been received. If the employee is transferring or promoting to another Agency, the liability for annual and sick leave is transferred to the new Agency.

### **B. DISMISSAL**

Refer to Manual Section 230.7 for procedures on dismissals.

### **C. LAYOFF**

This type of separation does not reflect fault or failure in performing assigned duties. Whenever it becomes necessary to abolish positions because of lack of work, budget cutback, or for any other reasons, the Nevada Administrative Code (NAC), Chapter 284, "State Personnel System," Sections 284.612 through 284.632, will apply. The State Department of Personnel's *Rules for State Personnel Administration* contain the procedures required for layoff.

The Personnel Services Office will process all layoffs, and all questions should be directed to the Personnel Services Office.

### **D. RETIREMENT**

All members are eligible to retire at age 65 with five (5) or more years of service, age 60 with ten (10) or more years of service, or at any age with thirty (30) or more years of service. Those employees for whom retirement is

approaching should contact Public Employees Retirement System (PERS) at (775) 687-4200 (Carson City) or (702) 486-3900 (Las Vegas) for pre-retirement counseling.

**E. DEATH**

The Regional Personnel Services Office should be notified by the appropriate Supervisor as soon as possible should the death of an employee occur.

**230.12.3 SEPARATION RESPONSIBILITIES**

As part of the separation procedure, each supervisor and/or manager will be responsible for establishing a checkout procedure and completing a termination checklist to ensure all State property (including any credit cards, ID cards, equipment and keys) is accounted for and returned to the Division.

A termination checklist form can be obtained from your Regional Personnel Analyst.

**230.12.4 EXIT INTERVIEWS**

Upon termination, employees will be provided with an Exit Interview tool in accordance with the State Department of Personnel PERD #68/07.

**A. PURPOSE**

Employee turnover can result in a number of negative consequences for State departments and agencies. These can include direct economic costs related to increased recruitment and training and indirect impacts such as lost productivity and lower morale. For these reasons, it is important to capture information about the work environment and the factors that may have influenced an employee's choice to leave.

**B. EXIT INTERVIEW SURVEY OVERVIEW**

1. The Department of Personnel is dedicated to the development and retention of a qualified workforce. As such, the Department has implemented an online survey tool. This tool should be used whenever possible; in the case where computer access is not available, hard copy surveys may be used.
2. The Exit Interview Survey is designed to evaluate the level of satisfaction an employee experienced while working for the State of Nevada. The survey asks specific questions both internal to the Agency he/she worked for as well as State employment in general.

3. The Exit Interview Survey results will not be linked to a specific former employee. Only summary information will be provided to each Department/Agency on a semiannual basis.
4. Survey information should be used by management to assess the overall quality of their work environment and identify training needs. The Department of Personnel will use this information to assess the overall satisfaction of employees leaving State service, make recommendations for change when appropriate, and assist departments and agencies with specific challenges in their work environment.

### C. SURVEY ADMINISTRATION

All employees **leaving State service** should complete an Exit Interview Survey, except for employees that are leaving temporary positions; were in a seasonal, emergency, or temporary appointment; or were involuntarily terminated. (Transfers between departments should not complete a survey.)

### D. SURVEY PROCEDURE

1. When an employee tenders his/her resignation from State service, his/her Department/Agency informs the employee about the Exit Interview survey and the importance of completing the survey. **Whenever possible, the employee should complete the survey prior to the employee's last day of service.** This will assist in ensuring the greatest response rate.
2. If the employee **has not left** State service, and he/she has an e-mail address, the Agency Regional Personnel Services Analyst will e-mail the employee's e-mail address to: **dopsurvey@dop.nv.gov**. It is important for the Agency Regional Personnel Services Analyst to type **"Exit Interview"** on the subject line of the survey. A Department of Personnel employee will within one (1) business day, Monday through Friday, e-mail the survey to the employee for completion. If the employee does not have an e-mail address, the Agency Regional Personnel Services Analyst will provide a hard copy of the survey to the employee and have that person return the completed survey through interdepartmental mail to State Personnel – Carson City, Attention: Exit Interview or by regular U.S. Mail to the following address:

Nevada State Personnel,  
Employee and Management Services Division  
Attention: Exit Interview  
209 East Musser Street, Room 101, Carson City, Nevada 89701

If the employee has left State service, the Agency Regional Personnel Services Analyst will provide/mail the employee the following memo from the Department of Personnel and a copy of the Exit Interview Survey.

**MEMORANDUM**

**TO:**

**FROM:** Todd Rich, Director  
Department of Personnel

**SUBJECT:** Confidential Exit Interview Survey – Former Employee

**DATE:**

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Thank you for your service to the State of Nevada. Because you are a former employee of the State of Nevada, I am requesting your participation in completing an Exit Interview Survey. The purpose of this survey is to evaluate the level of satisfaction you experienced while working for the State of Nevada. The survey asks specific questions both internal to the Agency you worked for as well as State employment in general.

It is important to note that your identity is not linked to your survey responses. Your Department/Agency will only receive semi-annual summary reports that will compile responses from all employees that left State service from the same Department/Agency.

Survey information will be used by your Department's/Agency's management to assess the overall quality of their work environment and identify training needs. The Department of Personnel will use this information to assess the overall satisfaction of employees leaving State service, make recommendations for change when appropriate, and assist departments and agencies with specific challenges in their work environment.

The preferred method for completing the Exit Interview Survey is an online survey tool. To complete the survey online, you will simply type in the following address to your computer's web browser:

<http://www.zoomerang.com/survey.zgi?p=WEB227A536D4S6>

If you do not have access to a computer, you can complete the attached paper version of the survey and return it to the Department of Personnel at the address provided on the survey. Again thank you for your service and for helping make the State of Nevada an even better place to work.

TR:sb/vk 1/08



The former employee can either complete the survey online using the web address:

<http://www.zoomerang.com/survey.zgi?p=WEB227A536D4S6>

or complete the hard copy survey. Hard copy surveys should be returned to the Department of Personnel at the following address:

Nevada State Personnel  
Employee and Management Services Division  
Attention: Exit Interview  
209 East Musser Street, Room 101, Carson City, Nevada 89701

3. Questions regarding the survey procedures should be directed to (775) 684-0149. Questions regarding the online survey tool should be directed to the Department of Personnel Help Desk at (775) 687-9099 or [IFS\\_HR\\_HELPDESK@ifs.state.nv.us](mailto:IFS_HR_HELPDESK@ifs.state.nv.us)
4. Additionally, the supervisor and/or manager will collect the employee's state-related items (keys, diner's club card, identification badge) on the employee's last physical day of work.

#### **230.12.5 DEMOTIONS**

The Division of Child and Family Services Human Resources Chief shall be notified immediately of any anticipated act of demotion prior to official action. A RAR form must be submitted through the approval process outlined in Section 230.11.3 of this Manual.

##### **A. VOLUNTARY DEMOTION**

An employee may request a voluntary demotion to a lower class grade. The employee must meet the minimum qualifications for the lower class. The employee will normally be paid at the same or nearest step in the grade for the lower class.

##### **B. INVOLUNTARY DEMOTION**

Supervisors may recommend an employee be given an involuntary demotion for just cause. For example: incompetence, negligence, insubordination, etc. (Refer to Section 230.7, Disciplinary Procedures.)

## **230.13 PERSONNEL RECORDS**

### **230.13.1 EMPLOYEE PERSONNEL FILE**

The Regional Personnel Services Offices will keep a personnel file on each employee of the Division. The content of the file will include:

1. A copy of the most current application for employment.
2. All Nevada Personnel Department (NPD) forms (ESMT-A, NPD-15, etc.).
3. All correspondence relating to performance.
4. Letters of commendation.
5. A copy of the most current W-4 form.
6. Other employment-related items the employee has acknowledged and signed.

Generally, employee personnel files will only be made available to the respective employee, supervisory and management staff. The Human Resources Chief may authorize the availability of the file to others as deemed necessary. Pursuant to NAC 284.726, information concerning the disability of an employee or a member of his/her immediate family must be kept separate from the employee's file in a locked cabinet. Access to such information is limited to the employee, his/her current Supervisor and the Appointing Authority. Any record of a governmental Agency which contains the address and phone number of a client or employee will not be open for public inspection.

Personnel files will not be removed from the area of the Regional Personnel Services Offices without prior approval of the Human Resources Chief.

A supervisor and/or manager should take care not to maintain any file that may be considered a "secret file." Information retained outside the central and regional Agency Personnel Services Offices should only constitute a copy of employee-acknowledged performance appraisals and executed WPS.

A supervisor can also keep notes on discussions he/she has had with the employee for inclusion in the next performance appraisal, i.e. a working file, but must be careful not to maintain any correspondence of which the employee is unaware.

**230.13.2 RETENTION OF RECORDS**

All personnel records will be retained or disposed of in accordance with the Records Retention and Disposition Schedule approved by the State Board of Examiners.

**230.13.3 PROTECTION OF EMPLOYEE SOCIAL SECURITY NUMBERS AND OTHER PERSONAL INFORMATION**

When/if the Division of Child and Family Services becomes aware that a breach of security in the State's Personnel computer system has occurred, the Agency will contact those persons in writing, or other acceptable venue, that the data, if personal information, was or reasonably believed to have been acquired by an unauthorized person(s).

**230.14 DEPARTMENTAL SMOKING POLICY**

All Department of Health and Human Services (DHHS) work sites are a smoke-free environment. Smoking will be permitted only in certain designated areas in any DHHS building or rented space throughout the State.

**230.14.1 IN-OFFICE SMOKING PROHIBITED**

Smoking in smoke-free environments will not be permitted, and violators will be subject to appropriate disciplinary action. Smoking is permitted outside Departmental work sites and certain designated areas only during authorized break and lunch times.

**230.14.2 OFFICES TO BE POSTED**

"No Smoking" signs must be posted at the entrances to all DHHS work sites. Agencies renting space must also procure and post the signs in conspicuous places throughout their facilities.

**230.14.3 CONDITION OF EMPLOYMENT**

Recruitment fliers exclusively for DHHS positions must indicate the fact that DHHS has a restrictive smoking policy. Supervisors and Managers must ensure all applicants being considered to fill vacant positions are told the "No Smoking" policy is a condition of employment.

## **230.15 TRAINING AND RELEASE TIME**

### **230.15.1 RELEASE TIME**

Each employee is responsible for improving his/her own professional competence. The Division shall, within budgetary constraints, complement the employee's own efforts by providing release time for training presented through established educational institutions within the State. Discussions regarding personal development should take place between the Supervisor and employee during the performance report review as addressed in NRS 284.377.

The Appointing Authority may also approve release time to employees for seminars, classes, etc. if they are directly related to the employee's position and a benefit to the Division. Release time is considered time worked.

### **230.15.2 QUALIFYING REASONS FOR RELEASE TIME**

#### **A. EDUCATIONAL TRAINING**

Employees enrolled in an educational program related to either their current job or desired position within the Division may be eligible to receive release time. This request must be forwarded through the appropriate supervisory channels and approved by the Administrative Team in accordance with established criteria. Employees should contact a regional DCFS Personnel Services Representative for the request form.

#### **B. JOB RELATED TRAINING**

When the Appointing Authority requires an employee to attend a specific training, release time must be granted to the employee for attendance. The Division is responsible for any overtime earned as a result of such training. The appropriate training form either, (TR-17 for State offered training or HR-1 for out-of-state travel requests) must be completed and forwarded through the Manager to the appropriate Deputy for signature. When training is employee-requested, the Appointing Authority may:

1. Grant the employee release time, but not overtime.
2. Require the employee to take approved leave for the work time spent to attend the training.
3. Deny the request. Reasons for the denial must be provided to the employee in writing.

The appropriate training form must be completed and forwarded through the

Manager to the appropriate Deputy Administrator, or designee, for consideration. Approval will be considered after an assessment is made of the fiscal impact and the appropriateness of the training to the employee's job.

**C. SUPERVISORY AND MANAGERIAL TRAINING**

1. NAC 284.498 provides that within six (6) months after an Agency initially appoints an employee to a supervisory position or managerial position, the employee shall attend a training class concerning the evaluation of the performance of employees.
2. NAC 284.498 further provides that within twelve (12) months after an Agency appoints an employee to a supervisory position or managerial position, the employee shall attend at least one (1) training class in each of the following areas:
  - a. Equal employment opportunity;
  - b. Interviewing and hiring;
  - c. Alcohol and drug testing
  - d. Progressive disciplinary procedures; and
  - e. Handling of grievances.
3. Supervisory and Managerial employees should carefully review NAC 284-498 for additional training requirements after those listed above are completed.

**D. STATE EXAMINATIONS AND STATE EMPLOYMENT INTERVIEWS**

Employees may participate in State examinations and State employment interviews as time worked. Any hours that exceed the normal workday or workweek do not count as overtime.

Employees should refer to the timesheet completion procedure in Section 230.3.4 (C) for direction on completing their timesheet for purposes of tracking Release Time and Administrative Leave.

**230.16 USE OF STATE VEHICLES**

State vehicles can only be used when conducting business for the State of Nevada.

When shifts are over for the day, the State vehicle is to be parked at the duty station and/or for those with home storage, at the residence of record.

In accordance with the State Administrative Manual (SAM) 1302.0, 1410.0, 1415.0, and Nevada Revised Statute (NRS) 204.080:

1. It shall be unlawful for an individual, individuals, or groups of individuals, whether an employee or employees of the State of Nevada or not, to use any automobile, truck, or other means of mechanical conveyance, property of the State of Nevada, for their own private use.
2. The Executive Officer of any State Office, Agency, Department, Commission or institution to which such auto, truck, or other means of mechanical conveyance is assigned, and the operator of such equipment, shall be jointly and severally responsible to the State for the unauthorized use of such equipment while so assigned, used or operated.
3. A violation of any provision of this Section by any person other than an officer or employee of the State of Nevada is a misdemeanor.
4. A violation of any provision of this Section by an officer or employee of the State of Nevada shall constitute a malfeasance in office.
5. All employees must have a valid driver's license of the appropriate class, as defined by the Nevada Department of Motor Vehicles, in their possession while operating a State vehicle. All vehicles must be operated in a safe, courteous, and responsible manner and in complete compliance with all motor vehicle traffic laws, including parking citations.
6. State employees, board members, and contract workers or volunteers may operate a State vehicle with the authorization of the hiring Agency head prior to vehicle use. Any other people riding as passengers or driving vehicles is prohibited.
7. Driving on government business carries with it responsibilities. Observe all traffic laws and drive defensively. Failure to observe Motor Pool policies while operating a State vehicle may subject the individual for liability for vehicle expenses incurred and/or revocation of Motor Pool vehicle privileges.
8. **Defensive Driving**

In accordance with the provisions of the State Administrative Manual (SAM), Section 0521.0, "Safety and Health Program," and Subsection 2C, "Safety Training," the Risk Management Division has identified "Defensive Driving" as a training class topic that must be included in all standard Agency safety programs.

“Defensive Driving” is required for all employees who have essential job functions that require driving a state of personal vehicle on public roads. Refresher training or a repeat of the class is required every four (4) years. New employees must complete the course within their first year of employment.

#### **230.16.1 STATE VEHICLES – SUBJECT TO INSPECTIONS**

##### **A. PURPOSE**

To establish guidelines for inspections of Division assigned vehicles.

##### **B. POLICY**

It is the responsibility of each employee who operates a Division vehicle to assure the vehicle is maintained in a safe, serviceable, clean and presentable condition.

Managers, Supervisors or Sergeants shall perform a semi-annual inspection on each vehicle within their unit to ensure each vehicle is maintained in an appropriate condition utilizing the Motor Vehicle Inspection Report.

Vehicles found to have safety concerns or in need of maintenance or repairs shall be immediately scheduled for such repairs.

##### **C. PROCEDURE**

1. A semi-annual inspection shall consist of a visual inspection of the vehicle to check for all items listed on the Motor Vehicle Inspection Report. Completed reports shall be maintained in the employee’s working file.
2. All garbage or debris shall be removed from the vehicle when exiting the vehicle.
3. All work-related materials, contraband, or evidence shall be removed from the vehicle.
4. It is strongly recommended that all vehicles be maintained with at least a half of a tank of fuel in case of emergencies.

##### **D. REIMBURSEMENT OF CAR INSURANCE DEDUCTIBLE**

If an employee on official State business is involved in an automobile accident while using their personal vehicle, the Division will consider

reimbursement of the insurance deductible, up to \$500, on a case-by-case basis.

The employee will be required to provide an approved travel authorization to the Division's Chief Fiscal Officer (the Administrative Services Officer IV in Carson City), a memo from their supervisor indicating why a state vehicle was not used, and a copy of the police accident report. The employee shall also provide documentation of the amount and date the deductible was paid, if applicable.

**230.17      DIVISION OF CHILD AND FAMILY SERVICES SAFETY MANUAL**

By this reference, the Division of Child and Family Services *Safety Manual* is incorporated into and becomes part of this Division of Child and Family Services *Personnel Policy and Procedure Manual* and as such, the provisions of the *Safety Manual* carry the full weight of those in the *Personnel Policy and Procedure Manual*.